



Report on the visit of Sri Damodar Sarangi, Special Rapporteur, East Zone-1, NHRC to Balasore District Jail, Odisha

I visited Balasore District Jail on and from 01.03.2017 to 02.03.2017, to study the living conditions of the inmates, and to verify if the rights of the prisoners are being properly respected and adequately protected by the jail and other concerned authorities. In course of the visit, I interacted extensively with the officers and staff of the jail as well as the prisoners. DIG Prisons Cuttack Range, Smt. Sumita Sarkar, and the superintendent of the District Jail, Sri Surendra Kumar Pattnaik, remained present during my visit and facilitated my interactions with the inmates and assisted me in the collection and scrutiny of relevant documents.

Based on the information gathered in course of such interactions, and the scrutiny of relevant documents made available to me, I proceed to record my observations as follows.

2. History of the Prison

This jail, established in the year 1847, is one of the oldest jails of the state.

It was in this jail that on 03.12.1915, Manoranjan Sen Gupta and Neren Das Gupta, both associates of the valiant revolutionary Bagha Jatin, laid down their lives on the gallows. Bagha Jatin himself died of injuries, sustained during the battle against British forces at Chasakhand, Balasore on 10.09.1915.

It is unfortunate that other than a plaque erected on 10.09.1979, in their memory within the jail premises, a picture of which is reproduced below, no account of their fight against the colonial government is available in the prison records. The Jail administration may consider reconstructing the records of events leading to their supreme sacrifice for the deliverance of the motherland.





3. Land and Building

The prison premises are spread over 19.278 acres of land, the break up of which is reproduced below;

- A. Jail Building : 2.540 acres
- B. Jail Quarters : 6.113 acres
- C. Tank : 1.625 acres
- D. Garden : 5.00 acres
- E. Open Space : 4.00 acres

Total Land : 19.278 acres

The state government is mulling a proposal to shift the District Jail to Mouza-Baunsamuhan, PS-Balasore Sadar, Tahasil-Remuna, Dist-Balasore. 15 acres of land has been identified for the purpose. The proposal appears to be ill conceived on the following grounds.

- i. The proposed location is about 20 km from the District Hqs. Shifting the District Jail to the new location will adversely affect the health care of the prisoners and the jail staff. As would be discussed in course of this report, there has been a number of custodial deaths of prisoners in the District Jail in recent years. In many of these cases, the patients died on way to the DHH. Shifting the Jail to a location further away from the DHH is bound to affect the treatment of prisoners.
- ii. Family Members and relatives of the inmates will have to spend extra money and time to negotiate the distance from Balasore to Baunsamuhan.
- iii. Coordination with the local police and the courts will be that much difficult.
- iv. The education of the children/wards of the jail staff will be adversely affected.
- v. The sanctioned capacity of the district Jail is 480. In an average, the prison population has been less than 400 in recent months. The jail is not overcrowded. It is therefore not understood why it should be necessary to shift the jail to a location 20 km from the District Hqs.
- vi. The quantum of land proposed to be allocated to the District Jail in the new location is only 15 acres against 19.278 acres of land over which the jail is presently spread.
- vii. It would appear that ADG Prisons Odisha had sought the views of the superintendent in the matter. As would appear from his letter No. 651 dated 17.02.2016, the superintendent was not in favour of shifting the prison to the proposed location. Extracts from the superintendent's letter are reproduced below.



"In view of the above facilities, there is no need from our side to shift the jail to other place. But recently, the Collector & District Magistrate, Balasore has telephonically instructed me to initiate proposal for shifting of jail to any other place as this is the desire of the Hon'ble Member of Parliament (Balasore). The Addl. IG of Prisons has also (been) asked to offer views in this regard.

In case, the sifting of jail is considered badly necessary, facilities as laid down in the Model Prison Manual need to provided in a new jail. For a new jail, apart from administrative block, kitchen, godown, dining hall etc. other infrastructure like adequate jail buildings/barrack to ensure separation of different categories of prisoners, jail school, jail library, jail industries/agriculture, play ground for outdoor games, community hall/auditorium for cultural activities, crèches for children of jail inmates etc. are badly required. Besides this, keeping in view for its future expansion and other activities, at least a patch of land measuring Ac. 30.00 having road connectivity is required. Necessary instruction in the matter is solicited."

The state government may consider revisiting the proposal.

4. Prison Population

Against a sanctioned capacity for 480 prisoners (458 male and 22 female prisoners), 386 prisoners (368 male and 18 female) are presently detained in the prison. 108 of them are convicts and 278 are under trial. The break up of the inmates is as follows;

	<u>Male</u>	<u>Female</u>
Convict	103	05
<u>UTP</u>	<u>265</u>	<u>13</u>
Total	368	18

5. Staff

A statement showing the sanctioned and actual staff strength of Balasore District Jail is reproduced below;

Sl. No.	Designation	Sanctioned strength	Actual strength	Vacant
1	Superintendent	01	01	--
2	Medical Officer	01	--	01
3	Jailor	01	01	--
4	Assistant Jailor	02	02	--
5	Sub-Asst. Jailor	02	02	01
6	Pharmacist	01	01	--
7	Teacher	01	01	--
8	Clerk-cum-Typist	01	01	--
9	Technical Asst.	01	01	--
10	Smithy Instructor	01	01	--
11	Male Nursing Orderly	01	01	--

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12	Chief Head Warder	01	01	--
13	Head Warder	05	02	03
14	Warder (Male)	36	29	06 (Vacancy) 01 (Training)
15	Warder (Female)	04	02	02
16	Peon	01	--	01
17	Sweeper	06	03	03
18	Prison Welfare Officer (W/S)	01	01	--
19	Clerk-cum-Typist (W/S)	01	01	--
20	Peon (W/S)	01	01	--
Total		70	52	18

There is a strong case for augmentation of the sanctioned strength, particularly of the guarding and hospital staff. According to the guidelines, circulated by the BPR&D, the ratio of guarding staff to prisoners should not be less than 1:6. This prison has a sanctioned capacity for 480 prisoners. In the scale recommended in the guidelines, this jail should have at least 80 number of guarding staff. At present, only 46 guarding staff, including 4 female guards are sanctioned. The figure includes the sanctioned strength of chief head warder and head warders.

What is worse, 11 of these posts are lying vacant. The state government may take immediate action for filling up the vacant posts, besides augmenting the sanctioned strength of the guarding staff.

The jail hospital is awfully under staffed. The post of the MO is lying vacant. The requirement and availability of staff for the jail hospital is discussed separately at paragraph 10 (Health and Hospital) of this report.

6. Accommodation

In all, there are 16 wards and 08 nos. of cells for the accommodation of the prisoners. The descriptions of these wards and cells are reproduced below along with the floor space;

Name of the Ward	Scheduled capacity	Area of the Ward
Ward No. 1	10 (Now used as Indoor Hospital ward)	30sq. ft. x 30sq. ft. = 900 sq. ft.
Ward No. 2	20	30sq. ft. x 25sq. ft. = 750 sq. ft.
Ward No. 3	20	30sq. ft. x 25sq. ft. = 750 sq. ft.
Ward No. 4	30	30sq. ft. x 36sq. ft. = 1080 sq. ft.
Ward No. 5	30	30sq. ft. x 36sq. ft. = 1080 sq. ft.
Ward No. 10	22 (Female Ward)	30sq. ft. x 25sq. ft. = 750 sq. ft.



Ward No. 11	20	30sq. ft. x 25sq. ft. = 750 sq. ft.
Ward No. 12	41	60sq. ft. x 25sq. ft. = 1500 sq. ft.
Ward No. 13	41	60sq. ft. x 25sq. ft. = 1500 sq. ft.
Ward No. 14	20	30sq. ft. x 25sq. ft. = 750 sq. ft.
Ward No. 15	28	56sq. ft. x 18sq. ft. = 1008 sq. ft.
Ward No. 16	28	56sq. ft. x 18sq. ft. = 1008 sq. ft.
Ward No. 17	28	56sq. ft. x 18sq. ft. = 1008 sq. ft.
Ward No. 18	28	56sq. ft. x 18sq. ft. = 1008 sq. ft.
Ward No. 19	57	44sq. ft. x 47sq. ft. = 2068 sq. ft.
Ward No. 20	57	44sq. ft. x 47sq. ft. = 2068 sq. ft.
Cells 08 Nos.		10sq. ft. x 06sq. ft. = 60 sq. ft. each cell
Total capacity - 480 Male- 458 & Female - 22		

ii. The total floor space available is 17138 sq.ft. The sanctioned capacity is 480. The average floor space per prisoner is 36 sq.ft. According to the norms circulated by the BPR&D, each prisoner should be provided with at least 40 sq.ft of floor space. At that rate, the available floor space could satisfy the requirement of 428 prisoners at the most. The Prison Directorate may modify the sanctioned capacity accordingly.

Neither cots nor raised platforms have been provided to the inmates. Cupboards are not available. Prisoners have to sleep on the floor. Their personal effects are lined up against the walls. Only one of the 8 cells is occupied. The wards and cells were found clean and tidy.

iii. Against a sanctioned staff strength of 70, 52 staff quarters are available. The details of the family quarters and status of occupation is explained in the following table;

Sl. No.	Specification of Quarters	Available	Allotted	Vacant
1	D-Type	04	03	01
2	E-Type	08	06	02
3	F-Type	40	37	03

In addition, the state government have sanctioned the construction of 04 F type and 06 E type quarters.

Besides, barrack accommodation is available for 20 members of the guarding staff.

7. Food

In October 2016, the state government brought down the scale of diet issued to the prisoners on the recommendation of an Inter Departmental Committee. It was claimed that the Committee formulated its recommendations taking into consideration the guidelines of the BPR&D in the Model Prison Manual 2003,

and the National Institute of Nutrition, Indian Council of Medical Research (ICMR) Hyderabad, during the year 2010.

I went through the old and new diet menu and the Diet Menu prescribed by the BPR&D, copies of which are enclosed **Annexure-1**, **Annexure-2** and **Annexure-3** to this report. I also went through the sample diet menu circulated by the ICMR, copies of which are enclosed at **Annexure-4** and **Annexure-5**, to this report. A comparative statement showing the modified diet scale prescribed by the state government vis-à-vis the scale prescribed by the BPR&D, and the ICMR, in respect of some vital items is reproduced below for ready reference.

Sl. No.	Item	Old scale	New Scale	BPR&D Scale	ICMR Scale
1	Milk	40ml	25ml.	50 ml.	100 ml.
2	Sugar	05 gm	05 gm.	50 gm.	40 gm.
3	Suji/Chuda	100 gm	50 gm	---	---
4	Roasted gram	--	--	60 gm	25 gm
5	Groundnuts	--	--	----	25 gm
6	Fruit	--	--	--	150 gm
7	Curd	--	--	100 ml.	150 ml.
8	Rice/Wheat	600 gm	500 gm	600 gm.	400 gm.
9	Vegetables	350 gm	250 gm	250 gm.	255 gm.
10	Onion	10 gm	05 gm	25 gm	25 gm

As would appear from the above table, the scale of milk, sugar, suji/chuda, rice/wheat, onion and vegetables has been drastically brought down in the new diet menu.

It may further be mentioned here that the evening meals to the prisoners is served before 5 PM in the afternoon. Thereafter the prisoners had to wait for another 15 hours for breakfast. To avoid hardship, the jail administration was issuing a packet of biscuit (weighing 100 gm) to each of the prisoners to supplement the dietary requirement, post dinner and before going to bed. This benefit has since been withdrawn.

In their report, the ICMR has suggested that the calorie requirement of an Indian Male with 60 kg body weight, doing heavy work should be 3490 kcal/d. The BPR&D, in their recommendations have provided that the calorie value of diet for labouring prisoners should not be less than 2800 kcal/d. Most of the convicts are sentenced to rigorous imprisonment. They work in jail industries and the jail garden as manual labourers. In the modified diet scale, the overall calorie content has been pegged at 2773.3 kcal/d, which according to ICMR is the calorie requirement of average males doing moderate work. The calorie content of the menu served to the prisoners before the scaling down order was as high as 3343 kcal/d.

It is true that the cereal requirement recommended in the ICMR menu charts is substantially lower than wheat was being issued to the prisoners prior to the change in the diet menu but it was adequately compensated by other items.

While bringing down the scale of cereal & vegetables, the state government have overlooked the fact that ICMR Sample Menu included other ingredients like groundnut, curd, carrot, fruits which are not available to prisoners lodged in Odisha Jails.

As has been recommended in the Model Prison Manual, the state government has to consider the food habits and modes of living of prisoners and the climatic conditions while prescribing the scale of diet of prisoners. Rice is the staple food of the people of Odisha. At one time, prisoners of Odisha were being provided 615 gms of rice/wheat per day in their diet. Bringing down the scale of rice/wheat to 500 gm, without supplementing the menu with other nutrients, may not be advisable.

One of the major grievances of the prisoners, highlighted during my interactions with them, relate to the scaling down of the diet menu, particularly in regard to rice/wheat, suji/chuda and vegetables.

They are also aggrieved with the decision to discontinue the supply of 100 gm of biscuit to them after the evening meal.

During the visit of the Hon'ble District Judge to the prison on 21.01.2017, the inmates had brought to his notice their grievances against the scaling down of the diet menu. Hon'ble District Judge had directed the superintendent "to take up the matter with the IG Prisons so that the authorities concerned would place the matter before the government for reconsideration of the diet of the prisoners". The superintendent has, under his memo no. 781 dated 18.02.2016 has written to the Addl. DG Prisons accordingly. The ADG may convey the grievances of the prisoners to the state government.

8. Clothing & Bedding

The scales of clothing and bedding were last revised in July 2012. A copy of the order, received from the state government, revising the scale of clothing and bedding is reproduced below;

Revision of Clothing and Bedding issued to the Prisoners in the Jails of Odisha.

Sl. No.	Name of the Item	Existing quantity	Quantity to be supplied after revision
Male Convict			
1	Kurta	2	3
2	Cotton Jangia	2	3
3	Bed sheet	1	2
4	Jute Mat	1	2
5	Mosquito Net	Nil	1

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Female Convict			
1	Cotton Kurta or blouse	2	3
2	Cotton Bed sheet	1	2
3	Jute Mat	1	2
4	Sweater	Nil	1 per each 3 years
5	Slipper Chappal	Nil	1 pair per year on minimum confinement of 6 months.

Yours faithfully,

Sd/

Under Secretary to Government

It is gratifying to note that the state government have introduced the issue of mosquito nets, sweaters and slippers to the inmates.

The text of the order is however misleading in that it gives an impression that only male convicts are entitled to get mosquito nets and only female convicts are entitled to get sweaters and slippers. The state government may issue suitable clarifications.

9. Sanitation

Against a sanctioned capacity for 480 prisoners, the prison has 74 day latrines and 27 cage latrines. The latrine prisoner ratio is satisfactory. Prisoners have to take bath in the open for which two rows of pipe water stand posts have been provided. The toilets and the bathing platforms were found to be clean. It is desirable to provide enclosed bath rooms for the inmates.

Water is supplied by the PHED. This is supplemented by water from 03 bore wells and 03 hand tube wells.

According to Orissa Jail Manual water used for drinking and culinary purposes shall be analyzed once every quarter and bacteriological examination shall be done when required. The examination is to be conducted by the officer-in-charge of the Bacteriological and Pathological Laboratory, Cuttack. No such test appears to have been conducted in recent years. The superintendent should ensure that samples are periodically sent for required examination and analysis.

10. Health & Hospital

A ten bedded hospital has been sanctioned for the District Jail. On the date of my visit (01.03.2017), six patients were admitted for indoor treatment. A list of the patients along with details of their ailment and the treatment provided to them is reproduced below.

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Sl. No.	Name	Age	Convict/UTP	Disease	Date of Adm. into Hospital	Remarks
1	Rama Chandra Ojha S/o- Harish Ch. Ojha	43	Convict	HTN with Schizophrenia	26.02.2017	He is now under treatment of Cardiologist.
2	Sarat Ch. Giri S/o- Bhagirathi Giri	32	Convict	Epilepsy	26.02.2017	He is now under treatment of Psychiatric Specialist.
3	Rabindra Barik S/o- Santosh Barik	32	UTP	Convulsion with injury LT. ring finger	25.02.2017	His present health condition is stable.
4	Ashok Majhi S/o- Late Thakara Majhi	28	UTP	Epilepsy with old burn injury	28.02.2017	He has been referred to surgery specialist for check up on 03.03.2017.
5	Jaydev Singh S/o- Shyam Singh	32	UTP	Irregular Fever	26.02.2017	No fever. Post fever weakness.
6	Kalinga Behera S/o- Naba Behera	49	UTP	Withdrawal Symptom	28.02.2017	His present health condition is stable. Released on bail on 01.03.2017 evening.

I was informed by the superintendent that in the absence of a drug rehabilitation centre in the district, the local police choose to arrest drug addicts, loitering in the streets, u/s 109 CrPC and send them to the District Jail on the directions of Executive Magistrates. As would appear from the history of custodial deaths, some of these prisoners died of withdrawal syndrome soon after their admission to the prison.

According to the Model Prison Manual circulated by the BPR&D, a District Jail with capacity comparable to that of Balasore District Jail, should have the following staff.

Sl. No.	Officers	Required Manpower
1	Chief Medical Officer (in the rank of Civil Surgeon with postgraduate qualification)	1
2	Assistant Civil Surgeon	4
3	Staff Nurse	3
4	Pharmacist	2
5	Male/Female Nursing Assistant	3
6	Laboratory Technician (to be trained in handling all equipment including ECG, X-ray and portable X-ray machines)	1
7	Psychiatric Counselor	1
8	Junior Assistant	1

Against the above norm the sanctioned strength of the hospital staff is only one MO, one Pharmacist and one MNA (Male Nursing Assistant). The post of the MO is lying vacant since August 2016. On 31.08.2016, the CDMO issued an order detailing two MOs from DHH Balasore to manage the patients from the Jail hospital for three days each in rotation. It was further stipulated that on government holidays patients have to be referred to the DHH for treatment. The arrangement was to continue till the joining of a regular MO in the Jail Hospital. Extracts from the order are reproduced below.

"In pursuance of letter No. 3468 dated 26.08.2016 of superintendent District Jail Balasore the following arrangement has been made for smooth management of District Jail Hospital, Balasore till joining of regular medical officer.

i. Dr. Rajesh Kumar Adhak, LTRMO, DHH, Balasore will manage on Monday, Tuesday and Wednesday.

ii. Dr. Piyush Prakash Mohapatra, LTRMO, DHH Balasore will manage on Thursday, Friday and Saturday.

On government holiday the patients of District Jail may be referred to DHH, Balasore for treatment".

Following the transfer of Dr. P.P. Mohapatra, Dr. Pretam Ghosal from the DHH was detailed to work in his place with effect from 04.02.2017. The Jail Hospital is yet to get a regular MO.

During the year 2016, 380 indoor patients and 22915 outdoor patients have been treated in the jail hospital. In an average 62 patients are attended to in the outdoor per day. There is no dearth of medicines .Laboratory facilities are not available.

ii. As many as 21 psychiatric patients are lodged in the prison. A list of these prisoners is reproduced below.

Sl. No.	Name of the prisoner	Sex/Age	Convict/UTP	Section of Law	Case No.	Sentence awarded by Trying Court	Remarks
1	Gijanjali Pradhan	F/35	Convict	U/s 302 IPC	ST 102/206/09-07	R.I. for life	-----
2	Mansur Khan	M/24	Do	U/s 302/201/34 IPC	ST 66/79/07	Do	-----
3	Katin @ Prafulla Das	M/40	Do	U/s 302 IPC	ST 108/171/09	Do	-----
4	Sukuru Ram	M/40	Do	U/s 302 IPC	ST 43/2011	Do	-----
5	Goura Mohan Singh	M/50	Do	U/s 302 IPC	ST 20/154/07	Do	-----
6	Parikhita Dalei	M/60	Do	U/s 302 IPC	--	Do	-----
7	Rama Ch.	M/35	Do	U/s 302/307 IPC	ST 287/10	Do	-----



	Ojha						
8	Dibyajyoti Mallik	M/20	Do	U/s 302 IPC	ST 60/12	Do	-----
9	Hanu @ Harish Ch. Barik	M/40	Do	U/s 302 IPC	ST 248/10	Do	-----
10	Tunia @ Pravash Senapati	M/33	Do	U/s 302 IPC	ST 83/256/09-13	Do	-----
11	Tikili @ Sarat Giri	M/29	Do	U/s 302 IPC	ST 03/164/09	Do	-----
12	Brajagobinda Barik	M/40	Do	U/s 302 IPC	ST 27/216/13	Do	-----
13	Purna Ch. Singh	M/42	Do	U/s 302 IPC	ST 32/57/2009	Do	-----
14	Abhimanyu Mallik	M/32	Do	U/s 302 IPC	ST 51/2005	Do	-----
15	Sudam Upadhaya	M/32	Do	U/s 302 IPC	---	Do	-----
16	Banguru Mahalik	M/36	Do	U/s 326/307/302 IPC	ST 49/380/13	RI for 10 years	-----
17	Jaga Hembram	M/35	UTP	U/s 376 IPC/POCSO Act	CT 14/2014	Spl. Judge, Bls	Fit to face trial
18	Thuba Singh	M/26	UTP	U/s 302 IPC	ST 228/15	Addl. S.J. Bls	Do
19	Purusottam Singh	M/25	Do	U/s 302 IPC	ST 134/15	Session Judge, Bls	Do
20	Susanta Ku. Behera	M/48	Do	U/s 294/323/325/506 IPC	CT 1199/2016	SDJM, Bls	Do
21	Jadunath Nayak	M/43	Do	U/s 498(A)/302/34 IPC	CT 1627/2016	SDJM, Bls	Not fit for trial

Earlier, a Psychiatrist from Baripada Circle Jail was periodically visiting the district jail to attend to the psychiatric patients. The arrangement has since been discontinued. On the strength of a local order issued by the CDMO, Dr. Sapan Kumar Mohanty, and PSW Hemang Thakuria, from the DHH are visiting the patients once a fortnight. It appears Dr. Sapan Kumar Mohanty is not a regular psychiatrist and has been given some familiarization training in psychiatry to manage the DMHP unit in the district. Ideally the Jail Hospital should have a regular psychiatrist. Alternatively the state government may consider transferring the mentally ill patients to Baripada Jail where a psychiatrist is posted.



11. Custodial Deaths

Between 2007 and 2016, 10 prisoners have died in custody. 02 of these cases have been closed after due scrutiny by the Commission. The status of the remaining cases is reproduced below.

Sl. No.	Year	Name & address of the deceased	Date of admission	Date of occurrence	Place of occurrence	NHRC case No	Status of the case
1	2007	Nirmal Mohanta S/o Haripada Mohanta Vill-Bamini, PS-Managanja, Dist-Kurulia	02.01.2007	25.01.2007	DHH, Balasore	Case No. 651/18/2006-07 CD	All records are submitted to NHRC vide L. No. 820 dated 17.03.2007
2	2007	Bibhuti Bhusan Biswal S/o-Sashibhusan Biswal Vill- Avana, PS-Soro, Dist- Balasore	04.07.2006	29.03.2007	District Jail, Balasore	Case No. 27/18/1 2007-08 CD	All records are submitted to NHRC vide L. No. 2428 dated 17.08.2007
3	2007	Takala@Muktikanta Muduli S/o-Batakrushna Muduli Vill- Simuliapatna, PS-Soro, Dist-Balasore	27.08.2007	27.08.2007	District Jail, Balasore	Case No. 494/18/1 2007-08 JCD	All records are submitted to NHRC vide L. No. 2513 dated 29.08.2007
4	2008	Hadibandhu @ Fakira Mallik S/o-Brundaban Mallik Vill- Chhanua, PS-Basta, Dist-Balasore	29.01.2008	01.08.2008	DHH, Balasore	Case No. 314/18/1 2008-09 JCD	All records are submitted to NHRC vide L. No. 3760 dated 25.12.2008
5	2009	Kalia @ Udayabhanu Bhoi S/o- Laxman Bhoi, At-Mathasahi, PS-Town Balasore, Dist-Balasore	26.11.2009	29.11.2009	District Jail, Balasore	Case No. 428/18/3 2008-09 JCD	All records are submitted to NHRC vide L. No. 4461 dated 24.09.2010
6	2011	Bharat Behera S/o-Bhola Behera, Vill-Abjana, PS-Simulia, Dist-Balasore	24.02.2011	28.02.2011	SCB MCH, Cuttack	Case No. 540/18/3 2007-08 JCD	All records are submitted to NHRC vide L. No. 2183 dated 31.05.2011
7	2012	Surendra Das S/o-Umakanta Das Vill-Sirapura, PS-Soro, Dist-Balasore	16.05.2012	19.05.2012	DHH, Balasore	Case No. 1464/18/1 2012-JCD	All records are submitted to NHRC vide L. No. 2307 dated 02.06.2012
8	2013	Banguru @ Balabhadra Behera S/o- Neda Behera, Vill-Karkachia, PS-	30.12.2008	27.09.2013	AIIMS, New Delhi	Case No. 2281/18/1 2013-JCD	All records are submitted to NHRC

		Khuta, Dist- Mayurbhanj					vide L. No. 5367 dated 31.12.2013
9	2014	Bishnu Naskar S/o-Haripada Naskar, Vill-Bansda, PS- Bansda, Dist- Bhadrak	23.12.2013	09.11.2014	DHH, Balasore	Case No. 4581/18/1 2014-JCD Case closed on 25.01.2017	All records are submitted to NHRC vide L. No. 4221 dated 14.10.2016
10	2016	Nini Behera, W/o- Bhagabat Behera, Vill-Matiali, PS- Berhampur, Dist- Balasore	18.02.2016	04.06.2016	Acharya Harihar Research & Cancer centre, SCB MCH, Cuttack	Case No. 3950/18/1 2016-JCD Case closed on 25.01.2017 by NHRC and pending with SHRC	All records are submitted to NHRC vide L. No. 66 dated 03.01.2017

I verified the facts of a few of these cases which are as follows;

i. UTP Nirmal Mohanta s/o Haripada Mohanta was remanded to District Jail Balasore by the Court of Executive Magistrate Balasore, on 02.01.2007 in MC No. 2/07 u/s 109 CrPC. He was shifted to the District Headquarter Hospital on 25.01.2007 at 1015 hrs, where he was declared brought dead. The prisoner was only 35 years of age at the time of his death. From the Joint Enquiry Report submitted by the Sub Collector and the DSP crime, it would appear that on 04.01.2007 Nirmal complained about muscular pain. He was issued painkillers (Voveran 50 and Methyle Salicilate Ointment and CPM&POM). Further he reported at the jail hospital on 15.01.2007, 17.01.2007 and 18.01.2007 and was prescribed Deriphyline tablet, Hymax LS and diloblem cough syrup, Hymax-LS, Diloblem syrup & CPP and Actified plus. So long he was being treated by the pharmacist. It was only on 24.01.2007 at 1830 hrs that he was shifted from the ward to the jail hospital where he was examined by the care taker MO Dr Sasanka Sekhar Das diagnosed him to be suffering from bronchitis under pyroxastate. On 25.01.2007 at 10 PM he was shifted to DHH Balasore where he was declared brought dead at 1015 PM.

According to the PM report, the cause and manner of death is septicemia and aspoxia, following rupture of tubercular cavity.

In their report, the Sub-Collector Balasore and DSP Crime Balasore have observed that while the deceased UTP Nirmal Mohanta had complained pain on his chest & rolled down on the floor of ward no. 11 in jail, followed with frequent cough and it would have been better to get his x-ray examination of the chest, pathological examination of sputum, blood & other biological examination so that proper diagnosis of the deceased could be determined for his specialized treatment.

The report further mentions **that the death could be ascribed to sheer negligence on the part of the jail authorities and not due to any ill treatment.**

From the material available on record it would appear that the UTP was unwell right from the time of his admission and required proper medical attention. In all probability he was shifted to the DHH after his death.

The District Jail was running without a regular MO. A doctor deputed from Sunahat Hospital was attending to the patient in addition to his own work. For all practical purposes the patient was left in the charge of the Pharmacist.

The case (Case No. 651/18/2006-07 CD) is pending with the NHRC. The superintendent claims that all relevant documents have been sent to the Commission. The commission may consider awarding suitable compensation/interim relief to the NOK of the prisoner, who according to the report submitted by the Sub Collector died due to medical negligence.

ii. UTP Surendra Das s/o Late Umakanta Das was admitted to the District Jail on 16.05.2012. He was arrested in a case registered u/s 17(a)B&O Excise Act. On 18.05.2012, he was shifted to District Headquarter Hospital for treatment of Chronic Alcoholism with HTN and withdrawal syndrome. He expired at about 0820 AM on 19.05.2012, that is in less than three days of his admission in the jail.

It would appear from the PM Report that two ante-mortem injuries were found on the body, which were about 72 hours old, caused by hard and blunt trauma. The description of the injuries are as follows;

a. *Ecchymosis of size 1/2cmx1cm on the forehead in midline about 5cm from the base of nose brown in colour. Ante-mortem in nature.*

b. *One bruise of size 3cmx2cm on lateral aspect of left arm, 7cm from elbow joint. Bluish-black in colour. On dissection dotted blood present. Ante-mortem in nature.*

According to the PM Report, the immediate cause of death is Arrythoria due to cardio myopathy. From the facts of the case, it is apparent that the prisoner was already critically ill at the time of his admission and needed medical care. The Superintendent claims that all relevant reports have been sent to the NHRC under his letter No. 2307 dated 02.06.2012. The case is reportedly pending in the Commission.

iii. UTP Takala @ Muktikanta Muduli s/o Batakrushna Muduli was admitted to the District Jail on 27.08.2007 for his alleged involvement in case no. 333/07 u/s 47(a)B&O Excise Act. On the night of 29.08.2007 at 0515 hrs he was brought dead to the DHH, which means he died in less than two days of his admission in the District Jail. The prisoner was subjected to pre admission medical examination on 28.08.2007. If the Medical Officer is to be believed, he did not find any sign of illness in the prisoner.

In less than 24 hours he became critical. The Medical Officer was called in at 0400 hrs on 29.08.2007 and the prisoner was rushed to the DHH where he was declared dead.

It is not clear whether he was brought dead or died in the DHH. The superintendent claims that all relevant reports have been sent to the NHRC under his letter No. 2513 dated 29.08.2007. The case is pending with the Commission.

iv. UTP Bharat Behera s/o Late Bhola Behera was admitted to the District Jail on 24.02.2011 for his alleged involvement in case no. 07/11 u/s 47(a)B&O Excise Act. On 26.02.2011 at about 10.25 AM, he was shifted to District Headquarter Hospital for treatment of Alcohol Withdrawal Syndrome. He was shifted to SCB Medical College & Hospital, Cuttack on 27.02.2011 where he was declared brought dead at 0120 AM, that is in less than three days of his admission in the jail.

The superintendent claims that all relevant reports have been sent to the NHRC under his letter No. 2183 dated 31.05.2011. The case is reportedly pending in the Commission.

v. UTP Bharat Bhusan Biswal s/o Sashibhusan Biswal was admitted to the District Jail on 04.07.2006. On 18.11.2006, he was shifted to DHH, Balasore and found HIV Positive. He was transferred to DHH at about 0315 PM on 29.03.2007, where he was declared brought dead.

The superintendent claims that all relevant reports have been sent to the NHRC under his letter No. 2428 dated 17.08.2007. The case is reportedly pending in the Commission.

The facts of these cases would suggest that pre admission medical examination of prisoners has been perfunctory and that the jail administration has failed to give timely attention to the treatment of terminally ill inmates.

11. Jail Industry

Three units of prison industry, that is Smithy unit, the Weaving unit and the Tailoring unit are functioning in the District Jail. In all 12 prisoners are engaged in these units. The prisoners are paid Rs. 40/- per diem. The unit wise lists of the laboring prisoners and the wages paid to them during the year 2016 are as follow;

Name of the Unit	Sl. No.	Name of the prisoners	Details of wages paid to them for the year 2016												Total
			Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	July 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	
Smithy unit	1	Satar Khan	1000	1000	1040	1040	1040	1000	1040	1120	1000	960	--	--	10240
	2	Mahimud Khan	1000	1000	1040	1040	1040	1000	1040	1120	1000	960	--	--	10240
	3	Goutam Hazira	1000	1000	1000	1000	1040	1000	960	1040	1000	960	1040	--	11040
	4	Debases Palei	600	600	1000	1000	1040	1000	960	1040	1000	960	--	--	9200
	Total			3600	3600	4080	4080	4160	4000	4000	4320	4000	3840	1040	--
Weaving															

unit	1	Daitary Singh	680	--	620	320	--	--	960	1040	--	--	--	--	3620
	2	Bikartan Mallik	160	--	--	--	--	--	--	--	--	--	--	--	160
	3	Mansur Khan	180	--	460	300	--	460	220	260	--	400	380	--	2660
	4	Sania Singh	675	--	600	220	--	--	--	--	--	--	--	--	1495
	5	Ramakanta Mahana	660	--	580	100	--	460	440	420	--	300	280	--	3240
	6	Manas Das	--	--	--	--	--	--	--	340	--	420	270	--	1030
	7	Gopinath Dalei	--	--	--	--	--	--	--	380	--	--	--	--	380
	Total			2355	--	2260	940	--	920	1620	2440	--	1120	930	--
Tailoring unit															
	1	Md. Abdul Bassar Mulla	360	500	500	--	520	520	480	520	500	500	160	--	4560
Total			360	500	500	--	520	520	480	520	500	500	160	--	4560
Grand Total			6315	4100	6840	5020	4680	5440	6100	7280	4500	5460	2130	--	57865

As would appear from the above table, the prisoners working in these industries have been paid up to November 2016 only.

63 other prisoners are engaged in miscellaneous activities like cooking, sweeping, security, gardening etc. An activity wise break up of these prisoners is as follows;

Sl. No.	Name of the unit	No. of prisoner engaged
1	Kitchen	11
2	Medical Attendant	01
3	Sweeping	10
4	Writer	03
5	Barber	02
6	Watchman	06
7	Bullock shed attendant	01
8	School attendant	01
9	Phone attendant	01
10	Development work in jail	02
11	Dhobi	01
12	Electrician	01
13	Godown attendant	01
14	Rice cleaner	04
15	Inside garden	04
16	Outside garden	14
Total		63

They too are paid daily wages @ Rs. 40/-.

The wages paid to the laboring prisoners are far below the minimum wages for unskilled workers of the state which is Rs. 200/- per day. The state government may ensure the payment of minimum wages to the labouring prisoners minus the expenditure incurred on their food clothing and

sanitation. Wages earned by the prisoners are credited to their savings accounts. The pass books are kept in the superintendent's office on grounds of safety. It may be useful to publish on the notice board, a monthly account of wages earned by each of the laboring prisoners, the amount credited to their accts, the amount withdrawn and the acct balance for the information of the beneficiaries. The accounts should also be read over and explained to the beneficiaries in the language they understand.

12. Prison School

The District Jail runs a primary School for the benefit of the inmates. The Prison authorities have engaged a regular teacher for the School. Besides, a convict prisoner also helps the inmates in learning alphabets reading and writing. The school is supplemented by a library with 903 books. The library subscribes to two news papers (the Samaj and the Sambad). Books and news papers are issued to the inmates from the library. The teacher in charge claims that during the last three years they have helped 110 prisoners in becoming literate. It is heartening to note that a number of prisoners have cleared various courses organized by Indira Gandhi National Open University (IGNOU). Between 2014 to 2017, the following prisoners have cleared degree/ diploma/certificate courses mentioned against their names, for which they had prepared while in custody.

Sl. No.	Name of the prisoner	Course
1	Satar Khan	B.A.
2	Karuna Kar Jena	B.A. (2 nd Year)
3	Gajendra Ku. Satpathy	C.S.W, CJS (Certificate in Social Welfare Criminal Justice System)
4	Pradeep Ku. Medini Ray	C.S.W, CJS (Certificate in Social Welfare Criminal Justice System)
5	Gajendra Ku. Satpathy	PGDCJ (Post Graduate diploma in Criminal Justice)
6	Pradeep Ku. Medini Ray	PGDCJ (Post Graduate diploma in Criminal Justice)
7	Gajendra Ku. Satpathy	MSO (Master Degree in Sociology)
8	Pradeep Ku. Medini Ray	MSO (Master Degree in Sociology)
9	Pradeep Ku. Medini Ray	Disaster Management
10	Umakanta Nayak	MA in History

During the same period 28 other prisoners cleared the BPP (Bachelor Preparatory Programme) course.

13. Recreation

Colour TVs have been provided to each of the wards. Facilities for outdoor games like volley ball and indoor games like Ludo, carom and chess are available. Musical instruments like Harmonium, Dubitabala, Mrudanga and



Jhanja have also been provided. Spiritual programmes by Satyasai Seva Samiti Balasore, Yoga & Meditation by Art of Living organization are periodically organized in the District Jail for the benefits of the inmates.

14. UTPs

Of the 278 UTPs 09 have spent more than two years in custody, pending trial.

A list of these prisoners is reproduced below.

Sl. No.	Name of the Prisoner	Sex/Age	Section charged	Case No.	Date of Admission to Jail
1	Silu @ Pradeep Ku. Acharya	M/24	363/364/302 IPC	Spl. No. 83/15 (CT 2763/14)	11.12.2014
2	Panda @ Sarat Singh	M/47	302 IPC	ST 299/15 (CT 93/15)	09.02.2015
3	Iswar Ch. Behera	M/35	120(B)/121(A) IPC/3,4,5 DS Act	CT 133/15 ST 6/117 of 2016	23.01.2015
4	Prafulla Ku. Sendha	M/40	21(b) NDPS Act	Spl. 13/14	13.01.2014
5	Sanyasi Mandal	M/48	376(2)(1) IPC/Sec 6 of POCSO Act	Spl. 60/2015	24.03.2015
6	Ramesh Ch. Mallik	M/26	376(2)(i) IPC/Sec 4 of POCSO Act	Spl. 126/14	07.09.2014
7	Raju @ Rajesh @ Abhaya Behera	M/25	365/366(A) IPC/Sec 376(2)(1) IPC/Sec 4 of POCSO Act	Spl. 13/14	08.10.2014
8	Jaga Hembram	M/35	376 IPC/4 POCSO Act	Spl. 74/14	02.05.2014
9	Sk. Firojul Akhatar Aman	M/43	20(b)(ii)(c) NDPS Act	Spl. 02/71 of 15/14	23.08.2014

One of the major grievances of UTPs relate to inordinate delay in trial and the reluctance of the courts to grant them bail, pending trial.

10 of the UTPs, who have been granted bail, are still languishing in prison for their inability to provide sureties. A list of these prisoners is reproduced below.

Sl. No.	Name of the prisoners	UTP
1	Sk. Mustafa	UTP
2	Kartik Singh @ Daktar	UTP
3	Ashok Behera	UTP
4	Ram Chandra Jena	UTP
5	Priyabrata Dalei	UTP
6	Salaman Mohaptra	UTP
7	Sarat Singh	UTP
8	Susant Behera	UTP
9	Harish Ch. Das	UTP
10	Sania Singh	UTP

The superintendent may seek the help of the District Legal Services Authority for redressing their grievances.

15. Premature Release

06 life convicts, held in this jail have completed 14 years of imprisonment including the period spent in custody as UTP. Proposals for their premature release has been submitted to the Prison Directorate along with the details of detentions already undergone, leave and parole availed and remissions granted. Prisoner wise details are as follows;

A. Pandu Singh (Convict No. 1756/A) – Proposal for his release was submitted on 09.05.2015.

He was sentenced to RI for Life on 31.03.2004 by the Addl. Sessions Judge, Balasore in ST case No. 02/88/2002, U/s 376 IPC. Prior to his conviction, he had already spent 03 years, 04 months and 06 days (25.11.2000 to 30.03.2004) in custody as an UTP. As on 30.04.2015, he had spent 11 years and 01 month in custody as a convict. He had availed 100 days parole/furlough leave and had earned 1116 days remission. As on 30.04.2015, he had effectively completed 17 years, 03 months and 02 days in custody.

Two years have passed, since the proposal for his release was submitted.

B. Babu @ Umesh Chandra Rana (Convict No. 3140/A) – Proposal for his release was submitted on 17.05.2016.

He was sentenced to RI for Life on 03.10.2002 by the Sessions Judge, Balasore in ST case No. 192(A)/1995, U/s 302/377/34 IPC & 376(2)(g) IPC. Prior to his conviction, he had already spent 04 years, 11 months and 29 days (20.06.1995 to 15.08.1996 & 30.11.98 to 02.10.2002) in custody as an UTP. As on 30.04.2015, he had spent 12 years, 06 months and 28 days in custody as a convict. He had availed 286 days parole/furlough leave and had earned 1211 days remission. As on 30.04.2015, he had effectively completed 20 years, 01 month and 22 days in custody.

Almost a year has passed, since the proposal for his release was submitted.

C. Arun @ Rabindra Parida (Convict No. 2752/A) – Proposal for his release was submitted on 09.01.2017.

He was sentenced to RI for Life on 11.10.1993 by the Addl. Sessions Judge, 11th Court, Alipore, West Bengal in ST case No. 3(9)/1992 U/s 302/392/34 IPC. Prior to his conviction, he had already spent 02 years and 01 day (10.10.1991 to 10.10.1993) in custody as an UTP. As on 07.01.2017, he had spent 23 years, 02 months and 27 days in custody as a convict. He had availed 170 days parole/furlough leave. As on 07.01.2017, he had effectively completed 24 years, 09 months and 08 days in custody.

D. Babu @ Umakanta Nayak (Convict No. 1880/A) – Proposal for his release was submitted on 18.01.2017.

He was sentenced to RI for Life on 29.03.1995 by the Addl. Sessions Judge, Balasore in ST case No. 11/77/1994, U/s 302/201/34 IPC. Prior to his conviction, he had already spent 01 year, 07 months and 05 days (27.08.1993 to 28.03.1995) in custody as an UTP. As on 31.12.2016, he had spent 14 years and 10 months in custody as a convict. He had availed 277 days parole/furlough leave and had earned 1197 days remission. As on 31.12.2016, he had effectively completed 17 years, 04 months and 20 days in custody.

E. Bikram Rout (Convict No. 2257/A) – Proposal for his release was submitted on 07.12.2015.

He was sentenced to RI for Life on 30.06.2005 by the Addl. Sessions Judge, Bhadrak in ST case No. 36/52/2000, U/s 302 IPC. Prior to his conviction, he had already spent 05 years, 10 months and 09 days (21.08.1999 to 29.06.2005) in custody as an UTP. As on 05.12.2015, he had spent 10 years, 05 months and 05 days in custody as a convict. He had availed 141 days parole/furlough leave and had earned 962 days remission. As on 05.12.2015, he had effectively completed 18 years, 07 months and 25 days in custody.

More than one year has passed, since the proposal for his release was submitted.

F. Maheswar Jena (Convict No. 1811/A) – Proposal for his release was submitted on 07.12.2015.

He was sentenced to RI for Life on 21.03.1994 by the Addl. Sessions Judge, Bhadrak in ST case No. 25/15/92, U/s 302/34 IPC. Prior to his conviction, he had already spent 01 year, 11 months and 28 days (23.03.1992 to 20.03.1994) in custody as an UTP. As on 05.12.2015, he had spent 14 years, 04 months and 21 days in custody as a convict. He had availed 339 days parole/furlough leave and had earned 1135 days remission. As on 05.12.2015, he had effectively completed 18 years, 07 months and 25 days in custody.

More than one year has passed, since the proposal for his release was submitted.

The State Sentence Review Board has not met for the last two years, notwithstanding the recommendation of the Commission that the Board should meet at least once in a quarter. The state govt. should ensure that the Sentence Review Board takes up the proposals for the premature release of the prisoners mentioned above at their earliest.



16. Appeal

31 appeal petitions are pending in the Hon'ble Odisha High Court. A list of these appeals is reproduced below.

Sl. No.	Name of convict	JCRL No.	Date of filing	Status
1	Jhampura @ Ramakanta Mahana	30/07	12.01.2007	Pending
2	Goura Mohan Singh	40/09	24.06.2009	Do
3	Abhimanyu Mallik	2/2010	07.12.2009	Do
4	Satar Khan	58/2010	10.08.2010	Do
5	Mansur Khan	57/2010	10.08.2010	Do
6	Mahimud Khan	56/2010	10.08.2010	Do
7	Karunakar Das	68/2010	02.09.2010	Do
8	Purna Ch. Singh	89/2010	18.10.2010	Do
9	Prafulla Das	99/2010	18.11.2010	Do
10	Lusku Hembram	37/12	16.03.2012	Do
11	Babuli @ Sriram Patra	36/12	17.03.2012	Do
12	Tikili @ Sarat Giri	63/2012	14.08.2012	Do
13	Chagulia Singh	75/2012	03.09.2012	Do
14	Parikhhit Dalai	86/2012	04.10.2012	Do
15	Babu Khan	88/12	06.10.2012	Do
16	Md. Asadul Mulla	89/12	10.10.2012	Do
17	Puasa Khan	89/12	10.10.2012	Do
18	Arif Khan	89/12	10.10.2012	Do
19	Sk. Jakir	89/12	10.10.2012	Do
20	Md. Abdul Basar Mulla	89/12	10.10.2012	Do
21	Daitari Singh	24/2012	12.04.2013	Do
22	Lambu Bera	23/2013	24.04.2013	Do
23	Haria @ Hrushikesh Sethy	25/2013	09.05.2013	Do
24	Rama Ch. Ojha	32/2013	09.05.2013	Do
25	Dipu Sahu	53/2013	03.10.2013	Do
26	Tunia @ Pravash Senapati	32/2014	23.07.2014	Do
27	Kalandi Das	26/2015	27.02.2015	Do
28	Labanyamani Das	26/2015	27.02.2015	Do
29	Dibyajyoti Mallik	11/2016	11.02.2016	Do
30	Katia @ Harekrushna Behera	22/2016	29.03.2016	Do
31	Bapi @ Amulya Patra	44/2016	30.06.2016	Do

As would appear from the above list, 10 appeal petitions are pending for more than five years.

Such inordinate delays in the disposal of appeals, amounts to denial of justice. It is also shocking to learn that the jail authorities are denying parole & furlough to prisoners on the ground that their appeal petitions are pending with the court. This position is untenable.

17. Leave & Parole

Following is a statement showing the number of prisoners granted furlough/parole between 2012 to 2017 are reproduced below;



Year	Furlough	Parole
2012	49	27
2013	17	20
2014	17	15
2015	09	08
2016	17	04
2017 upto February	02	01

As would appear from the above statement, the number of prisoners granted leave and parole has drastically gone down over the years.

It will also appear that those prisoners who have been granted parole have not been granted furlough and vice versa.

I pursued the list of prisoners who have been granted parole and furlough during the year 2012 to 2017 and found that parole and furlough have been granted to prisoners in alternate years.

The state government appears to be rather tight fisted in the matter of granting parole and furlough to the prisoners. District officers, who sit over leave applications for long durations, do not assign any reason for rejections of parole/ furlough applications. They also hold on to an erroneous view that during the pendency of appeals prisoners are not eligible to get leave.

I found that in many cases, convict prisoners have been denied parole and furlough without valid reasons and the existing parole and furlough rules have been wrongly interpreted to the detriment of the interest of prisoners. In spite of the clarifications issued by the Hon'ble Supreme Court, the jail administration stick to their position that NDPS convicts are not entitled to get any form of leave. For the information of the Hon'ble Commission, I am enclosing herewith a copy each of the following Rules.

- i. Prisoners (Release on Furlough) Odisha Rules 1963, as amended from time to time (last amendment effected in November 2012 (**Annexure 6**))
- ii. Prisoners (Release on Parole) Odisha Rules 1983 (**Annexure 7**)

Extracts from Prisoners (Release on Furlough) Odisha Rules 1963 are reproduced below.

- i. A prisoner who is sentenced to imprisonment for a period exceeding one year but not exceeding five years, shall on completion of a period of one year of actual imprisonment from the date of admission into prison or six months from the date of his last return from furlough as the case may be, be eligible for release on furlough for a period of three weeks in a year. The first spell would consist of one week, while the subsequent spell would consist of two weeks.
- ii. A prisoner who is sentenced to imprisonment for a period exceeding five years shall, on completion of a period of two years of actual imprisonment from the date of admission into prison or six months from the date of his last return

from furlough as the case may be, be eligible for release on furlough for a period of five weeks in a year. The first spell would consist of two week, while the subsequent spell would consist of three weeks.

The Rules provides that the following types of prisoners can be refused furlough leave;

- i. The prisoners involved in serious violence like assault, outbreak, riot, mutiny or escape and agitating fellow prisoners for indiscipline activities.
- ii. Prisoners convicted for offences like murder & rape, robbery, dacoity, extortion, terrorism, kidnapping, smuggling including narcotic drug peddler or People of Foreign origin.
- iii. Prisoners remaining for failure to give security for maintaining peace and good behavior.
- iv. Prisoners having mental illness, if not certified by the Medical Officer to have recovered at least to the extent that his presence in the Society is not likely to be dangerous.
- v. Prisoners whose work and conduct were not good during last one year.
- vi. Prisoners convicted of an offence against any law relating to matters to which the executive power of the Union Government extends, unless approved by the Union Government.
- vii. Prisoners whose release on furlough is likely to have repercussions elsewhere in the country.

Extracts from Prisoners (Release on Parole) Odisha Rules 1983 are reproduced below;

The following categories of prisoners are eligible for release on Parole;

- i. A Prisoner, who is sentenced to more than one year but less than five years and has actually undergone one year's imprisonment.
- ii. A prisoner, who is sentenced to more than five years and has actually undergone two years of imprisonment.

The following categories of prisoners shall not ordinarily be eligible for release on Parole;

- i. Those convicted of offences under Chapter VI. (Offence against the State) of the Indian Penal Code.
- ii. Dangerous and habitual criminals.
- iii. Such convicts whose presence is considered to be dangerous or prejudicial to public peace and tranquility."

More than hundred convicts are lodged in this jail. Most of them are not habitual criminals. As has been discussed above, in the year 2016 only 4 prisoners were granted parole. In the year 2015 only 8 prisoners were granted

parole. 9 and 17 prisoners were granted furlough leave during the years 2015 and 2016 respectively. It is difficult to believe that more than 90% of the convicts were not eligible to avail parole or furlough during this period.

There is a perception that prisoners cannot be granted parole or furlough during the pendency of appeals. This is based on a note issued by the Law Department, sometime in the year 1990, extracts from which as furnished by IG Prisons, are reproduced below;

"Law Department

The Hon'ble High Court in their judgment dated 02.01.1990 in criminal Appeal no. 116 of 85 at B.10-1/C have directed that when the Court of appeal is in session of the case, the executive should not interfere with granting parole. The prisoner applying for parole is to state whether any appeal is pending, if so in which Court.

Therefore when the appeal is pending the appellant/prisoner may pray the Court for release on bail on any valid ground so that he could be released temporarily on bail in exigencies like death, marriage etc.

Sd/-

(S.N. Sahoo)

L.R.-cum-Special_Secretary to Govt."

Home Department

The above position has changed following the issue of order no. 16 dated 15.07.2002 by Hon'ble Justice B. Panigrahi and Hon'ble Justice P.K. Mishra in CrL Appeal no. 137 of 1999 communicated by the superintendent of the High Court of Odisha, which are as under;

"In so far as grant of parole is concerned, it is the duty of the state government to exercise its discretion in allowing a convict to be released on parole or not. For grant of such parole no permission need to be taken from this Court. But however, if the convict is so advised, he can pray for an interim bail before this Court so that necessary orders can be passed."

18. Interview

Prisoners have to interact with family members, relatives, lawyers and other visitors, in groups, across the windows on the outer wall of the prison office. All that is available in the name of a waiting hall, is an open tin shed projected from the prison walls and an earthen pitcher for storage of drinking water. There is neither any sitting arrangement nor any toilet. There is absolutely no scope for privacy as the prisoners have to interact in groups with their relatives standing against the office windows with the full hearing and view of the prison staff as well as fellow inmates. According to the superintendent, construction of a waiting hall with associated facilities is not being taken up in view of the

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pendency of a proposal to shift the prison to a new location. As has already been discussed, shifting the District Jail outside Balasore may not quite be a wise step. Even if the state government sticks to the proposal, actual shifting may take years. It won't be desirable to continue denying the inmates their right to a proper atmosphere for interview with their relatives and advocates.

19. Grievances of the Prisoners

i. Pradip Kumar Medini Ray (Convict No. 3112/A)

S/o- Mayadhar Medini Ray

Vill- Chatar Sahi, PO-Siadimal

PS- Nilagiri, Dist- Balasore

He was remanded to Judicial Custody on 20.06.1995 for his alleged complicity in a case of 'Rape & Murder' of a minor girl, registered under Nilgiri PS case No. 63/95 u/s 376(2)(g)/302/377/201/24 IPC dated 17.06.1995. On 17.06.1996, he was released on interim bail from the district jail. He jumped bail and absconded for long 13 years. He was apprehended on 04.11.2009, tried for the offence and was convicted to RI for life on 23.07.2013.

In a written petition addressed to the Commission, he has submitted that he is innocent and has been falsely implicated in the case. Even before his conviction, he has been moving the Commission, praying for the reinvestigation of the case by the CBI, and if that is not permitted, to be allowed to go through EUTHANASIA. At one stage, the Additional District Judge Balasore (The Trial Court) did order the CBI to take up investigation of the case. Extracts from the order are reproduced below;

"All the relevant papers submitted before this court by the prosecuting agency (petitioner) so far should be handed over to the CBI to facilitate them for proper investigation of the case.

Accordingly the petition filed by the petitioner Susama Medini Ray, the mother of the accused Pradip Kumar Medini Ray stands allowed.

Send a copy of this order to CBI Bhubaneswar to comply the order within 15 days and the trial pending against the other accused after split up of the case record and all the proceeding in respect of all the accused pending before this court are kept in abeyance till completion of investigation by CBI."

It appears that the CBI did not take up the investigation, the case was tried based on evidence presented by the state Crime Branch (which had investigated the case), and the trial ended with the conviction of the petitioner.

Two of the four petitions addressed to the Commission in the matter were registered in case Nos. 18/551/196 LD and 15406/18/1/2015. The last complaint was "transmitted to the concerned authorities for such action as deemed appropriate'.

In his instant petition, the convict has sought to highlight certain contradictions in the prosecution story regarding the time of death, the cause of death etc. and has claimed that the victim was murdered by her mother and her (mother's) paramour.

Before proceeding further in the case, the Commission may consider calling for the copies of the submissions of the CBI before the learned court, if any, expressing their inability to take up investigation of the case.

ii. Umakanta Nayak (Convict No. 1880/A)

S/o-Late Surendra Prasad Nayak
At-Simulipatna, PO-Singakhuta
PS-Soro, Dist-Balasore

He has been sentenced to life imprisonment in a murder case. He has already served more than 15 years in custody. His case for premature release has been sent to the Sentence Review Board for consideration. While in the District Jail, he has worked for long 12 years as an attendant in the Jail Hospital to the entire satisfaction of the jail authorities. According to a certificate given by the Medical Officer, he can give IV and IM injection, can give dressing and other support during medical emergencies, and has adequate knowledge in medicine. He has obtained a BA degree from Indira Gandhi National Open University.

He has earned several certificates and testimonials in various fields including sports, Agarbatti making, medical attendance etc.

Requests for an opportunity to serve as a paramedic, post release. The state government may consider the feasibility of absorbing him as an ANM in any of the health centres in the state after providing him required formal training as may be required under the rules.

iii. Sanjit Jena (Convict No. 3255/A)

S/o- Bhaskar Chandra Jena
Vill- Gambharia, PS-Singla
Dist-Balasore

He has been sentenced to 8 years imprisonment following his conviction in a rape case. Back home his wife and children and his parents are facing extreme hardships.

His wife is a heart patient. His father is paralytic and his mother is visually impaired. Prays for bail. He may approach the competent court for redress.

iv. Pausar Khan S/o-Jinat Khan

Arib Khan s/o-Naba Ali Khan
Babu Khan s/o-Abir Khan
Ashadul Mulla s/o-Liakat Ali Mulla
Sk. Zahir s/o-Sk. Satar
Sk. Abdul Basar Mulla

They are Bangladeshi nationals. For the last 10 years they are detained in this prison for their alleged complicity in a dacoity case. Pray for transfer to a Jail in Bangladesh. This should be possible in terms of the Repatriation of Prisoners Act, 2003. ADG Prisons may initiate necessary action in the matter.

v. Abhimanyu Jena (Convict No. 3192/A)

S/o- Pabana Jena

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Vill- Sansapal, PS-Nilagiri

Dist-Balasore

For the last 5 years he is detained in this prison following his conviction in ST case No. 11/101 u/s 376(2)/506 IPC. His old parents are living in misery. His family members are unable to travel all the way to Balasore to visit him. He is also finding it difficult to follow up his case from Balasore. Prays for transfer to Nilagiri Sub Jail. ADG Prisons may examine his prayer on merits.

vi. Debasis Palai (Convict No. 3217/A)

S/o- Chittaranjan Palai

Vill- Mirjapur, PO-Hinjulibedia

Dist- East Medinipore, West Bengal

He was admitted in the District Jail on 02.08.2013, following his conviction in Spl. Court case No. 150/13 u/s 20(b)(ii)(c) of NDPS Act. He hails from East Medinipore District of West Bengal. Back home his wife and children are living in misery. His family members find it difficult to travel all the way to Balasore to visit him. Requests for transfer to East Medinipore Dist. Jail, Tumluk. ADG Prisons may consider his case sympathetically.

vii. Gadadhar Goswami (Convict No. 3198/A)

S/o- Nityananda Goswami

He was admitted to this prison on 28.03.2012 following his conviction in Spl. Court case No. 27/19 of 2012 u/s 376 IPC. He urgently requires a hydrocele operation. Efforts of the jail administration to shift him to a suitable hospital have come to naught due to non-availability of police escort. The state government may issue suitable directions to the local Superintendent of Police for providing required police escort to facilitate his transfer to the DHH/ any other suitable hospital for the operation.

viii. Ratikanta Mohanty (Convict No. 3256/A)

S/o- Shyama Sundar Mohanty

Vill- Uttarchak, PS-Khantapada

Dist- Balasore

He was admitted to this jail since 25.10.2014 following his conviction in ST case no. 9/128 of 2014 u/s 392 IPC and 25/27 Arms Act. Requests for his transfer to Nilagiri Sub Jail which is closer to his village. ADG Prisons may consider his prayer sympathetically.

ix. Gangadhar Sahu (Convict No. 3272/A)

S/o- Mangal Sahu

Vill- Manatri, PO-Jania

Dist-Balasore

He was admitted to this jail w.e.f. 19.09.2016 following his conviction in ST case no. 117/13 and 107/06 u/s 395 IPC. Prays for his transfer to Soro Sub Jail which is closer to his native place (8 km from Soro compared to 45 km from Balasore). ADG Prisons may consider his prays subject to the provisions in the jail manual and the availability of accommodation in Soro Jail.

x. Purna Chandra Singh (Convict No. 2753/A)

S/o- Hara Singh

He was admitted to this prison on 27.09.2010 following his conviction in ST case No. 32/57/2009 u/s 302 IPC. He had appealed against the verdict in JCRI 89/10. Seven years have passed but the appeal has not been heard. The government lawyer provided to him has not informed him anything regarding the progress of the case. Prays for early hearing of the appeal. The Welfare Officer should contact the lawyer besides the State Legal Aid Authority and pursue early hearing of the appeal.

xi. Umesh Chandra Rana (Convict No. 3140/A0)

S/o- Late Jagannath Rana

Vill- Ghataghar Sahi, PO-Raj Nilagiri

PS-Raj Nilagiri, Dist-Balasore

He has been sentenced to life imprisonment following his conviction in ST case No. 192(A)/95 u/s 302/34/376(2)(g) IPC. Claims he was falsely implicated in the above case due to political motives. The real culprits are members of the victim's family, who have cleverly shifted the blame on him in complicity with the police. Demands for a CBI investigation. He has already served 20 years in prison.

He further alleged that he is not being granted leave or parole for the last three years. He also complained that the state government have recently reduced the diet scale for morning meals and discontinued the issue of biscuits in the night. In the name of wages the labouring prisoners are being paid Rs. 40/- only per prisoner per day which is very low. Earlier, he was transferred to Biju Pattnaik Open Jail, but was sent back to Balasore District Jail, when he complained against the irregularities committed by the jail administration.

The state government has since decreed that prisoners convicted for the offence of rape and murder shall not be eligible for leave / parole.

Besides addressing his other demands the state government may consider his case for premature release sympathetically.

xii. Rabindra Parida (Convict No. 2752/A)

S/o- Budhadeb Parida

Vill-Sarat, PS-Khaira

Dist-Balasore

He was sentenced to life imprisonment following his conviction in ST case No. 3(9)/92 u/s 392/302/34 IPC. He is about to complete 25 years in custody. Requests for premature release. His prayer may be considered sympathetically.

xiii. Maheswar Jena Convict No. 1714/A)

S/o - Basu Jena

At/PO- Gududa, PS-Remuna

Dist-Balasore

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He and his brother Jogeswar Jena were sentenced to life imprisonment following their conviction in ST case No. 25/151/92 u/s 302/34 IPC. His elder brother was prematurely released in the year 2013 after serving 15 years of the sentence. He on the other hand has served 18 years in prison, but has not been considered for premature release. Prays for premature release. His prayer may be sympathetically considered.

xiv. Prafulla Das (Convict No. 2756/A)

S/o- Harekrushna Das

Vill-Angula, PS-Sadar

Dist-Balasore

He was admitted to this prison on 21.12.2006 following his conviction in ST case No. 108/171/09 u/s 302 IPC. He has already served 11 years in this prison. Requests for premature release. He has to wait for three more years to be eligible for release.

xv. Abhimanyu Mallik (Convict No. 3011/A)

S/o- Narendra Mallik

Vill- Bisakadeipur, PS-Singla

Dist-Balasore

He was sentenced to life imprisonment following his conviction in ST case No. 51/2005 u/s 302 IPC. He was admitted to this prison on 10.07.2004, 13 years of his sentence. Requests for premature release. He has to wait for at least one more year to be eligible for premature release.

xvi. Smt. Pankajini Pradhan (Convict No. 3262/A)

D/o- Late Bhagaban Pradhan

She was sentenced to life imprisonment following her conviction in ST case No. 922/2014 u/s 302 IPC. Claims to be innocent. The PWO may help her to appeal to the appropriate court for relief.

xvii. Shantilata Das (Convict No. 3291/A)

D/o- Baishnaba Das

She was sentenced to life imprisonment following his conviction in ST case No. 210/2015 u/s 302 IPC. Claims to be innocent and seeks retrial. The PWO may help her appeal to the appropriate court for relief.

xviii. Goutam Hazra (Convict No. 3026/A)

S/o-late Nagendranath Hazra

At/PO-Srinarayanpur, PS-Dholahat

Dist-South 24 Parganas, West Bengal

He is detained in Prison for the last seven years following his conviction in ST case No. 117/265/2010 u/s 364A/392/34 IPC. He hails from South 24 Parganas District of West Bengal. His family members find it difficult to visit him in Balasore because of the distance. Prays for transfer to Presidency Jail in Kolkata. ADG Prisons may consider his case sympathetically.

xix. Makara Tiria (Convict No. 2725/A)

S/o- Late Rabi Tiria

At/PO- Dolapadi, PS-Banta

Dist-Bhadrak

He was sentenced to life imprisonment following his conviction in ST case No. 150/72/09 u/s 302/201 IPC. He has already served 9 years in this prison. His old parents are living in Bhadrak district. Because of the distance, they are finding it difficult to visit him in Balasore. Prays for transfer to either Bhadrak or Anandpur Sub Jail. ADG Prisons may consider his prayer sympathetically.

xx. Bikram Rout (Convict No. 2257/A)

S/o- Late Sanatan Rout

Vill- Somnathpur, PS-Basta

Dist - Balasore

He was sentenced to life imprisonment following his conviction in ST case No. 36/52/2000 u/s 302 IPC. He has already served 18 years in this prison. Requests for premature release. His prayer may be considered sympathetically.

xxi. Rajesh Behera (Convict No. 3219/A)

S/o- Late Basant Behera

At-Seikh Bazar, PO-Tulsipur

PS-Lalbag, Dist-Cuttack

He was sentenced to life imprisonment following his conviction in ST case no. 98/2004 u/s 147/148/342/302 IPC and 25 Arms Act. He hails from Tulsipur Cuttack. His old parents are finding it difficult to visit him at Balasore. Prays for transfer to Choudwar Circle Jail. ADG Prisons may consider his prayer sympathetically.

xxii. Smt. Gitanjali Pradhan (Convict No. 2694/A)

W/o- Lambudhar Pradhan

At/PO-Puttina, PS- Kamarda

Dist-Balasore

She is serving life imprisonment following her conviction in ST case No. 02/206 of 2009/2007 u/s 302 IPC. She has already served 10 years in this prison. Back home she has left her sick husband and minor children to fend for themselves. She also informed that she had to leave behind her six months' old son who died in her absence. Requests for premature release.

xxiii. Kalandi Das (Convict No. 3181/A) & Smt. Labanyamani Das (Convict No. 3180/A)

Vill- Banapur, PS-Nilagiri

Dist-Balasore

They were sentenced to life imprisonment following their conviction in ST case No. 49/10 u/s 302/376(i) IPC. They have already served 7 years in custody. Claims to be innocent. Requests for reinvestigation and retrial.

xxiv. Gajendra Satapathy (Convict No. 2802/A)

S/o-Late Gana Nath Satapathy

He was sentenced to life imprisonment following his conviction in ST case no. 48/55/2009 u/s 302 IPC/27 Arms Act. He has already served 9 years in this prison. While he was in jail, his opponents (14 of them have been named in his written petition) allegedly broke into his house and stole away his household articles including furniture and kitchen ware, 10 bags of paddy, three bags of rice etc. He reported the matter to the jail administration. The Prison Welfare Officer visited his village, assessed the damage and reported that the matter to the police. The police however did not take any action and alleges hushed up the matter. He brought the matter to the notice of the SP and the State Human Rights Commission, without any relief. Prays for justice. The state government may be asked to report the full fact of the case and what action if any has been taken by the local police in the matter.

xxv. UTP Ganesh Ch. Panda S/o- Bansidhar Panda

Vill- Fakirmohan Nagar, PO-Ishan Nagar

PS-Industrial Area, Dist-Balasore

He is detained in this prison since 24.11.2015 for his alleged complicity in GR case No. 2399/15 u/s 498(A)/302/304(B) IPC/4DP Act. Prior to his arrest, he was working as an Assistant Engineer in Soro Canal Division under the Chief Construction Engineer, Anandpur Barrage Project. Claims that his sister-in-law (wife's sister) Smt. Banaswapna Kar duped him of Rs. 83,000/- and has implicated him in the above case without the informed consent of his father-in-law. He is languishing in prison for the last 15 months. Back home, his three minor children and old mother are living in misery. The case against him is not being tried, neither is he being granted bail. What is worse, he is not getting any subsistence allowance after his suspension. He is suffering from diabetes and has undergone an operation on his collar bone which has been bolstered by steel plates. Prays for early trial and bail. ADG Prisons may verify from the Chief Engineer of the barrage project, the reasons for nonpayment of subsistence allowance to him.

xxvi. UTP Smt. Buduni Singh W/o- Budhiram Singh

She has been detained in this prison since 25.01.2016 for her alleged complicity in ST case No. 7/2016 u/s 450/452/302 IPC. Claims to have been falsely implicated in case. Requests for bail.

xxvii. UTP Narayan Mohanty S/o- Ramesh Ch. Mohanty

Vill-Khuluda, PS-Jaleswar

Dist-Balasore

He was admitted in this prison on 25.05.2016 for his alleged complicity in Spl. Court case No. 129/16 u/s 376(2)(i)/354 IPC. He was allegedly picked up from his home on 23.05.2016, kept illegally confined in the police station for two days and forwarded to the court on 25.05.2016. Claims to have been falsely implicated in the case. He has been granted bail but is unable to provide required sureties. Prays for financial assistance of Rs. 2000/- for arranging sureties. The copy of the charge sheet submitted against him is retained by his



lawyer. Prays for retrieving the same. The PWO may bring the matter to the notice of the District Legal Services Authority.

xxviii. UTP Smt. Kanak Dalei W/o- Parbasia Dalei

She has been detained in this prison since 30.01.2017 for her alleged complicity in ST case No. 2822/2016 u/s 341/323/294/302 IPC. Claims to have been falsely implicated. Requests for bail.

xxix. UTP Sanyasi Dalei S/o- Sashidhar Dalei

Vill-Old Balasore, PS-Chandipur

Dist- Balasore

He has been detained in this prison since 28.10.2016 for his alleged complicity in CT case No. 2384/2016 u/s 450/396 IPC and 25/27 Arms Act. Claims to have been falsely implicated. Requests for 'high level' investigation. The case, in which he is wanted, is a case of dacoity with murder. In the ordinary course it must have been supervised at the level of SP/Addl. SP. If not already supervised, the state government may direct the Superintendent of Police to get the case closely supervised by him/his Addl. SP.

xxx. UTP Jayanta Majhi & Sudam Majhi (Father & Son)

They have been detained in this prison since 30.01.2017 for their alleged complicity in ST case No. 247/2017 u/s 302/201/120(B)/34 IPC and 25/27 Arms Act. Claims to have been falsely implicated and demand fair investigation. The case may be supervised by the SP/Addl. SP of the district.

xxxi. UTP Smt. Sabitri Sahu W/o-Sudhakar Sahu

She has been detained in this prison since 21.04.2015 for her alleged complicity in CT case No. 740/2015 u/s 302 IPC. Claims to have been falsely implicated. Requests for bail.

xxxii. UTP Binay Kumar Maharana S/o- Late Kamal Kishore Maharana

Vill-Barabati, PO-Motiganj

PS-Town, Dist-Balasore

He has been detained in this prison since 28.10.2016 for his alleged complicity in CT case No. 2384/2016 u/s 450/396 IPC and 25/27 Arms Act. Claims to have been falsely implicated in case. Requests for bail.

xxxiii. UTP Kharabela Majhi S/o- Mahabir Majhi

Vill-Suelpur, PS-Town

Dist-Balasore

He has been detained in this prison since 10.11.2016 for his alleged complicity in CT case No. 2384/2016 u/s 450/396 IPC and 25/27 Arms Act. On 27.10.2016 at about 0440 hrs he was allegedly picked up from the road by Loknath Majhi who brutally assaulted him with swords inflicting bleeding injuries in his person. He was also threatened with dire consequences for not withdrawing the complaint against his opponents lodged in the local police station. He became senseless after the assault. He was rescued by the police and was shifted to SCB Medical College, Cuttack for treatment. His elder sister had sent an FIR by post to the IIC and the SP. But the police did not register

any case and on 10.11.2016 arrested him for his alleged complicity in the above case. On 27.01.2017, his elder sister Pratibha Mandal had met him in the district jail and informed him that Umesh Majhi, Suresh Majhi, Ramesh Majhi and other members of the opposite party had threatened to kill her and other members of their family the same night. The same night, they killed her and two other members of her family. Prays for justice. The cases registered against him and his opponents may be closely supervised by the SP.

xxxiv. UTP Abdul Zabar Khan S/o- Abdul Mazid Khan

Vill-Balubazar, PS-Motiganj

Dist-Balasure

He has been detained in this prison since 15.02.2017 for his alleged complicity in CT case No. 390/2017 u/s 498(A)/323/325/307/506 IPC. Claims to be innocent and pleads for a fair investigation. The case may be supervised by an officer not below the rank of a Dy. SP.

xxxv. UTP Deepak Panda S/o- Girish Panda

Vill-Tartari, PS-Berhampur

Dist-Balasure

He has been detained in this prison w.e.f. 19.08.2016 for his alleged complicity in ST case No. 37(A)/2004 u/s 366/376/34 IPC. Earlier, he was jumped bail and an arrest warrant was issued against him. Trial in the case is being delayed for non appearance of witnesses. Prays for bail.

xxxvi. UTP Gourahari Mahala S/o- Janardhan Mahala

Vill-Haraspur, PS-Remuna

Dist-Balasure

He has been detained in this prison since 26.09.2016 for his alleged complicity in ST case No. 2/53/2016 u/s 498(A)/302/304(B)/34 IPC. Requests for bail.

xxxvii. UTP Susanta Ku. Behera S/o- Bishnu Mohan Behera

He has been detained in this prison since 31.05.2016 for his alleged complicity in CT case No. 1199/2016 u/s 294/323/325/506 IPC. He has been granted bail but is unable to provide sureties. Requests for early release.

xxxviii. UTP Ajit Kumar Das S/o-Nityananda Das

At/PO-Kalyani, PS-Khantapada

Dist-Balasure

He has been detained in this prison since 19.02.2017 for his alleged complicity in CT case No. 421/2017 u/s 147/148/448/324/323/294/506/307/354(B)/149 IPC. Claims to have been falsely implicated. Requests for justice. The case may be supervised by a senior officer of the district police not below the rank of an Addl. SP.

xxxix. UTP Suchit Saren S/o-Bhagat Saren

Vill-Chupulia, PS- Soro

Dist-Balasure



He has been detained in this prison since 02.12.2015 for his alleged complicity in ST case No. 338/15 u/s 498(A)/304/304(B)/436 IPC and 4DP Act. He had sustained severe burn injuries on his person while trying to save his wife from death. He received treatment for burn injuries at SCB Medical College, Cuttack. Records relating to his treatment are still retained at Choudwar Circle Jail where he was lodged prior to his transfer to Balasore. Prays for the transfer of his treatment records to Balasore Jail. This should be possible. The superintendent may take necessary action in this regard.

xi. UTP Dushasan Behera S/o-Baidhar Behera

Vill-Jamunia, PS-Rupsa

Dist-Balasore

He has been detained in this prison since 02.02.2017 for his alleged complicity in CT case No. 797/1996 u/s 379/34 IPC. Back home he has left behind his minor children and mother who are living in misery. Pleads for early release.

xii. UTP Ramesh Majhi S/o-Loknath Majhi

Vill-Suelpur, PS-Town

Dist-Balasore

He has been detained in this prison since 30.01.2017 for his alleged complicity in case No. 247/2017 u/s 302/201/120(B)/34 IPC and 25/27 Arms Act. On 27.10.2016, Kharabela Majhi, Mahabir Majhi, Kapil Majhi, Ashok Behera, Santosh Behera and others broke into his house and brutally assaulted his mother Basanti Majhi, brothers Mahesh Majhi and Rajesh Majhi and uncle Narendra Majhi and looted Rs. 30,000/-. The police has arrested some of the assailants. Three of the accused are however absconding who are allegedly threatening his family members. Requests for their early arrest.

xlii. UTP Bikram Majhi S/o-Abhay Majhi

Vill-Keuda, PS-Jaleswar

Dist-Balasore

He has been detained in this prison since 11.02.2016 for his alleged complicity in case No. 48/2016 u/s 376(2)(i)/376/506 IPC. Complains of frequent ill treatment by warder Amulya Patra. The superintendent may verify the allegations for appropriate action.

xliii. UTP Goura Ch. Khamari S/o- Janardhan Khamari

Vill-Chandipur, PS-Nilagiri

Dist-Balasore

He has been detained in this prison since 03.07.2015 for his alleged complicity in Spl. Court case No. 33/15 u/s 376(2)(d)(i)(k)(n)/313/34 IPC. He is suffering from diabetes. Of the 45 witnesses cited by the prosecution only four have so far been examined. Requests for early completion of trial.

xliv. UTP Durga Prasad Jena S/o- Late Bhagaban Jena

Vill-Tengramari, PS-Bhograi

Dist-Balasore



He has been detained in this prison since 11.10.2015 for his alleged complicity in Spl. Court case No. 245/15 u/s 376(2)(d)(i)/323/109 IPC and 4 POCSO Act. Claims to have been falsely implicated. He is about 65 years of age and suffering from diabetes and heart problem. His opponents have burnt his dwelling house. His family members are in distress. Requests for bail.

xlv. UTP Smt. Namita Tripathy D/o-Late Bansidhar Tripathy

Vill-Sankhida, PO-Tihidi

Dist-Balasore

She has been detained in this prison since 10.10.2015 for her alleged complicity in Spl. Court case No. 245/15 u/s 376(2)(d)(i)/323/109 IPC and 4 POCSO Act. She has been abandoned by her husband. In her absence, her minor son has been compelled to work in a hotel for survival. Besides, her son is suffering from Hernia. Prays for bail to arrange for his treatment. The PWO may contact the District Labour Officer to verify if the prisoner's son is below 14 years of age and if so to arrange for his rescue and rehabilitation.

xlvi. UTP Sanyasi Mandal S/o-Bimbadhar Mandal

Vill-Sukhdukha, PS-Jaleswar

Dist-Balasore

He has been detained in this prison since 24.03.2015 for his alleged complicity in Spl. Court case No. 60/2015 u/s 376(2)(i) IPC and 6 POCSO Act. Requests for early release.

xlvii. UTP Abhaya Ku. Behera S/o- Bhaskar Ch. Behera

At/PO- Rahaniaganj

PS-Khantapada, Dist-Balasore

He has been detained in this prison w.e.f. 08.10.2014 for his alleged complicity in Spl. Court case No. 13/2014 u/s 365/366(A)/376(2)(i) IPC. Claims to have been falsely implicated. Neither is he being granted bail nor is anything being done for the appearance of witnesses for his trial. Back home, his old parents are living in misery. Prays for expeditious trial.

xlviii. UTP Sushil Kumar Dhalsamant S/o - Saroj Kumar Dhalsamant

He was arrested by the police on 28.01.2016 for his complicity in case nos. 364/323/120(B)/506/25(1-A)/27 Arms Act, 364/302/120(B)/201/34 IPC, 25(1-AA)/27 Arms Act, 341/342/294/307/102(B)/34 IPC 25/27 Arms Act, 341/364/323/325/379/506/34 IPC/25 Arms Act and 47(a) B&O Excise Act. Police took him on remand in different cases for about a month.

On February 25th while still in police custody, he was allegedly handcuffed and paraded on the street from Markat Nagar police station to his office at CDA, a distance of about 200 meters, surrounded by 200 policemen and members of the Electronic Media.

He was transferred to Balasore District Jail on 14th March 2016. His 80 years old father visited him 2/3 times. The police allegedly implicated him falsely in an Arms Act case. Non bailable warrant was issued against his, which has been stayed by the High Court.

His cell in Balasore District Jail was raided on 18/19.05.2016 at the middle of the night. The Jailor and the staff are constantly harassing and teasing him. His advocate is being threatened by SP Balasore and he is not being allowed to meet him.

On verification, I found that between 18.03.2016 and 27.02.2017, his father/advocate have been permitted to meet him in as many as 36 occasions. As regards his handcuffing, it appears that the court had granted permission to the police for the same, in case they felt it necessary.

The allegations that he was paraded in the street with a design to humiliate him may be verified by the state government.

As regards, the search of his cell on the night of 18/19.05.2016, it transpired that the local police with the help of the Jail administration had searched all wards of the jail, based on information that contrabands may be found. A seizure list was prepared, from which it would appear that the following articles were seized during the search.

Bidi - 10 bundles, Khaini - 60 pcs, Tobacco - 100 gm, Zarda - 20 pcs, Lighter - 20 pcs, Matchbox - 13 pkt. Cigarette - 3 pkt etc.

The raid does not appear to have been directed exclusively against Sushil.

He further alleged that during the search a lady Inspector of police searched his person. When he objected to this on ground of, the jail officials threatened him that in case he lodges a formal complaint, he will be consigned to solitary confinement. The UTP had filed a petition in the court of SDJM Cuttack. On hearing the petition, the learned SDJM has ordered as follows.

"However so far as the allegation made by the present petitioner that one lady inspector has conducted personal search of the accused petitioner without any decency, nothing has been mentioned in the said report of the Superintendent, District Jail, Balasore on this point, so in my considered view UTP like every human being has a right to live with dignity even inside the jail and as such the decency is ought to be required while any personal search of any inmates is going to be conducted inside jail. With the aforesaid observation the present petition is disposed of."

The jail administration should take note of the observations of the learned SDJM.

20. Grievances of the Jail Staff

On the eve of my departure from Balasore, Md. Tameemur Raheman, President All Odisha Jail Employees Association, met me at the Circuit House and handed over a petition, (along with relevant enclosures) addressed to the Hon'ble Chairperson National Human Rights, in which the outstanding grievances of the jail employees of the state were highlighted.

In the above petition, he has put forth the following demands for the consideration of the government.

- i. Equalization of the pay including grade pay of the jail staff with the pay and grade pay for police personnel of corresponding rank.
- ii. Permission to the jail staff to avail one day in a week as off duty.

iii. Enhancement of the sanctioned strength of the guarding staff.

In support of these demands, they have furnished the following documents;

The guidelines incorporated in the Model Prison Manual circulated by the BPR&D in 2003, extracts from which are reproduced below;

"Salaries and other employment benefits should not be arbitrarily fixed but should be related to the work to be performed in a modern correctional system, which is complex and arduous and is in the nature of an important social service. The correctional staff should be paid salaries and allowances at par with those of equivalent ranks in the police department."

ii. Comparative statements of pay scale of guarding staff vis-à-vis police personnel in different states of India wherefrom it would appear that in many states the pay and allowances of the jail and the police department have been equalized and in some states jail staff are drawing higher salaries in comparison with the salaries drawn by police personnel of equivalent staff.

As regards their demand for enhancement of the strength guarding staff, it may be mentioned here that most jails in the state have inadequate staff. According to the BPR&D guidelines there should be one guarding staff for six prisoners. Against a sanctioned capacity for 480 prisoners, Balasore District Jail has only 46 guarding staff.

The demand for one day's weekly of is also reasonable. The state government may consider the grievances of the jail staff sympathetically.

21. Welfare of the Prisoners

A Prison Welfare Officer is posted in the District Jail. The major grievances of the prisoners is the rejection of parole and furlough applications, harassment by opponents of their family members back home, financial hardships faced by them and the delay in the disposal of trial/appeals. The PWO should keep himself informed about the problems of individual prisoners, keep in touch with the district administration for securing for 'deserving prisoners' dependants, the benefits of various welfare schemes launched by the state and central governments for the poor.

In their ATR on my visit notes on Keonjhar District Jail (Paragraph-15) the state government had informed the Commission that *"There is a committee chaired by the Principal Secretary, Home Deptt. to look into the aspect of protection of distressed family members of accused persons. As per decision of this committee, measures are taken to provide assistance wherever necessary."*

Prison Welfare Officers (PWOs) meet the prisoners to find out their problems with special reference to their family members.

PWOs also visit the native place of the prisoners to enquire into the allegations and submit report to the concerned police station for action wherever necessary.

Special attention is given to the family members of the accused persons where no male members are present.

Arrangement is made for the family members (women and children) of the accused person to stay in the short stay home of W&CD department if required.

A proposal for creation of the post of Prison Welfare Officer in every jail and sub jail of Odisha is under consideration of the state government."

Prima facie these are welcome decisions. The implementation of these decisions require trained manpower and logistic support. The state government should provide necessary backup to the Welfare Officers for successful discharge of this important function.

22. Board of visitors

The Board of Visitors last met on 19.11.2016. 9 official and 5 non official members were present. Between 02.12.2011 and 19.11.2016, the Board has met only on five occasions. The Board should meet at least once a quarter.

23. Visit & Inspections

It is gratifying to note that the range DIG and the ADG have periodically inspected the district jail .Details are as follows

.	Date of Inspection	Name and designation of the Inspecting officer
1	09.01.2012	Sri Pranabindu Acharya, IG of Prisons & DCS Odisha
2	18.01.2014	Smt. Sumita Sarkar, DIG of Prisons Cuttack Range
3	26.10.2015	Smt. Sumita Sarkar, DIG of Prisons Cuttack Range
4	16.07.2016	Sri Arun Kumar Ray, Addl. DG & IG of Prisons & DCS Odisha

ii. The learned District Judge has been visiting the prison once every month. He had last Inspected the District Jail on 21.01.2017. The grievances of the prisoners as highlighted in the visit notes of the learned District Judge are the following;

- a. Delay in trial and appeals resulting in the prolonged detention of prisoners in custody.
- b. The reduction in the diet scale and the discontinuation of the issue of 100 gm biscuit each to the prisoners for the night.
- c. Non-availability of the regular MO for the prison hospital.
- d. Prolonged non-availability of a Psychiatrist for the treatment of psychiatric patient.

The Hon'ble District Judge has communicated his observations to the district administration and the Registrar (Vigilance) Odisha High Court. The state

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government may take follow up action for mitigating the grievances of the prisoners, highlighted in the visit notes of the Hon'ble District Judge.

24. Recommendations

i. The capacity of the prisoners' wards has been calculated by the jail administration in the scale of 36 sq. ft. for prisoner. Ideally, (According to the Model Prison Manual) 40 sq. ft. of floor area should be available to each prisoner. The sanctioned capacity of the prison may be re fixed taking into consideration the recommendation of the BPR&D.

As provided in the Odisha Jail Manual 1942, all the prisoners should be provided with cots/raised platforms to avoid body contacts between them. The wards and cells should be provided with cupboards for keeping the personal effects of the prisoners.

The state government should provide for a proper dining hall for the use of the prisoners. A community hall for the assembly of the prisoners may also be provided.

ii. The sanctioned strength of the guarding staff is utterly inadequate in comparison with the number of prisoners. The guarding staff/prisoner ratio is very low. As recommended in Chapter 6 of the Model Prison Manual, formulated by the BPR&D, there has to be one guarding staff for every six prisoners. This prison has a sanctioned capacity for 480 prisoners including 22 female prisoners. Ideally, the number of the guarding staff should be 80. As against that the total sanctioned strength of the guarding staff (including Head Warder and Chief Head Warder) is only 46. Of these posts, 11 are lying vacant. The State Government may consider augmenting the guarding staff as also other staff of the prison. The least the state government could do is to fill up the existing vacancies.

iii. The sanctioned strength of MOs and paramedical staff should be enhanced. The sanctioned post of MO, now lying vacant should be immediately filled up.

iv. The state government may review their order in which the scale of diet items for prisoner was reduced. The earlier arrangement under which each prisoner was issued a packet of biscuits post dinner may be restored.

v. Water sample from the prison should be periodically sent to the Bacteriological and Pathological Laboratory, Cuttack for test.

vi. The wages/incentives paid to labouring prisoners are low and should be enhanced to the level of minimum wage for skilled/semi skilled workers minus expenditure on food and clothing. Pass books of the prisoners (in which transactions relating to the deposit of wages and withdrawals are reflected), presently retained by the superintendent, may be returned to the Acct Holders.

vii. The correctional staff should be paid salaries and allowances at par with those of equivalent ranks in the police department.

viii. In view of the rulings of the Hon'ble Supreme Court, convictions under the NDPS Act should not automatically disqualify the prisoners from being released on parole.

ix. Pendency of Appeals in higher courts is no ground for rejecting applications for parole & furlough. Appellants should be granted furlough and parole, if otherwise eligible.

x. The state government should be liberal in granting furlough and parole. The district officers may be advised to give their opinion on the prisoner's petitions at their earliest. In case of rejections, speaking orders should be issued explaining the grounds. ADG Prisons should be authorized to grant furlough at his level.

xi. The state government should provide a proper waiting hall for the relatives and lawyers of the prisoners waiting to interview their wards/clients. The waiting hall should have proper sitting arrangements separate toilets for male and female visitors and facilities for drinking water. Arrangements may be put in place for the prisoners to have one to one conversation with visitors/lawyers.

xii. 72% of the prisoners are UTPs. This is not a happy situation. Speedy trial, liberal grant of bail during the pendency of trial, could improve the situation. It is also painful to find that 11 prisoners, who have been granted bail, are still languishing in prison for their inability to provide sureties. The jail administration may take up their cases with the District Legal Services Authority for help.

xiii. The Sentence Review Board should meet at least once every quarter. The prayer of the six convicts who have completed more than 14 years in custody, for premature release may be considered at the earliest. In calculating the period under detention the period spent in prison as UTP should also be reckoned with.

xiv. There is a strong case for equalizing the pay and allowance of the guarding staff with those paid to members of the police force of equivalent rank.

xv. The jail administration should open a permanent register to record all custodial deaths and the status of enquiries thereof. The register should be inspected by the visiting officers to verify, if any such enquiry is pending unnecessarily.

xvi. Judging from the circumstances of some of the custodial deaths reported from the district jail in recent years, one gets an impression that pre admission medical examination has by and large been perfunctory. In future, it must be ensured that the state of health of every prisoner on admission is thoroughly examined to determine if he is already suffering from any disease. For this purpose, all the diagnostic tests, as recommended by the NHRC must be completed within 24 hours of the admission. Those found critically ill should



be immediately shifted to the nearest hospital where facilities for appropriate treatment are available. The state government should provide the infrastructure/ logistic support for such tests in every jail in the state.

xvii. In view of the large number of psychiatric patients lodged in the district jail, the state government may post a qualified psychiatrist in the jail hospital or in the alternative transfer such prisoners to Baripada circle jail where the services of a full time psychiatrist is available.

xviii. The nature of individual grievances of the prisoners listed at paragraph 19 above are broadly as follows.

- A. Delay in trial and hearing of appeals.
- B. Reluctance of the courts to grant bail during the pendency of trial/appeal.
- C. False implication in cases in connivance with the police.
- D. Harassment of the family members of prisoners by their opponents.
- E. Socio-Economic hardships faced by the members of their families.
- F. Reluctance of the state government to grant, leave, parole and premature release.
- G. Lack of interest shown by lawyers engaged by the govt. to defend indigent prisoners.

The grievances listed at A and B above largely fall in the domain of the Judiciary. The superintendent may however continue to bring such grievances to the notice of the Hon'ble District Judge, during his monthly visit to the District Jail. As regards long pendency of appeals the Prison Directorate may draw the notice of the learned Registrar High Court to the matter. As regards the other grievances, the state government is competent to address the same. The state government may examine the individual grievances highlighted at paragraph 19 of this report, for providing appropriate redress, with intimation to the Commission.

DAMODAR SARANGI



Statement showing the Revised Diet Menu per prisoner per day

A. Morning Tea (Daily)

Item	Quantity	Calorie
Tea	02 gm.	-
Sugar	05 gm.	20
Milk	25 ml.	17
		Total - 37

B. Morning Diet (Suji Upama 03 days in a week)

Item	Quantity	Calorie
Suji	50 gm.	174
Seasonal Vegetable	25 gm.	11.9
Refine Oil	05 gm.	45
Onion	05 gm.	2.5
Salt	01 gm.	-
Tomato sauce	05 gm.	-
		Total 233.4

C. Morning Diet (Chuda Santula 04 days in a week)

Item	Quantity	Calorie
Chuda	50 gm.	173
Seasonal Vegetable	25 gm.	11.9
Refine Oil	05 gm.	45
Onion	05 gm.	2.5
Futana	01 gm.	-
Turmeric	01 gm.	3.5
Salt	01 gm.	-
Tomato sauce	5 gm.	-
		Total 235.9

NB:-Suji Upama and Chuda Santula will be issued in alternative day.

So the average Calorie of morning diet against Sl. No. B and C 234.8 respectively per prisoner per day is as under:

Average Calorie
 $233.4 \times 03 = 700.2$
 $235.9 \times 04 = 943.6$
Total $1643.8 \div 7 = 234.8$

D. General Diet (Both Mid-day & Evening)

Item	Quantity	Calorie
Rice / Atta	500gm.	1745
Dal (Arhar Dal /Gram Dal/ Moong Dal on alternative day)	100 gm.	335
Salt	15 gm.	-
Refine Oil	20 gm.	180
Onion	05gm.	2.5
Tamarind	05gm.	5.8
Condiment	05gm.	-
Ginger	02gm.	1.3
Vegetables	250gm.	119
Fuel	130gms.	
		Total 2388.6

E. Protein Diet (Alternative Chicken & Fish on all Sunday)

Item	Quantity	Calorie
Chicken/Fish	150 gm.	163.5
M. Oil	10 gm.	90
Onion	10 gm.	05
Condiment	04 gm.	-
Ginger	02gm.	1.3
Salt	01gm.	-
		Total 259.8

So the average Calorie of protein diet against Sl. No. E is 37.1(259.8+7) per prisoner per day.

F. Egg Diet for each Wednesday

Item	Quantity	Calorie
Egg	2 nos.	173
M. oil	10gm.	90
Condiment	05gm	-
Total		263

So the average Calorie of Egg diet against Sl. No. F is 37.6(263+7) per prisoner per day .

N.B. - The Vegetarian Prisoners may be provided sweets at equal value of Non-Veg menu i.e against Sl.No. E and F.

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Contd...Annexure-1

G. Soya (Thursday except last Thursday)/Paneer (on the last Thursday of each month)

Sl No	Item	Quantity	Calorie
i)	Soya/Paneer	50 gm.	174
ii)	Refined Oil	10 gm.	90
iii)	Condiment	05 gm.	3.4
iv)	Ginger	05 gm.	
v)	Salt	02 gm.	
			Total 267.4

So the average calorie of Soya/Paneer diet against Sl. No. G is $38.2(267.4 \div 7)$ per prisoner per day.

H. Total calorie per prisoner per day

Sl No	Menu	Calorie
i)	Tea	37
ii)	Morning Diet	234.8
iii)	General Diet	2388.6
iv)	Chicken/Fish(protein diet)	37.1
v)	Egg(protein diet)	37.6
vi)	Soya/Paneer Diet	38.2
	TOTAL	2773.3

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Annexure - 2

Statement showing the Diet Scale per prisoner per day for the year 2015-16.

1. Morning Tea:

Sl. No.	Item	Quantity
1	Tea	02 gm
2	Sugar	05 gm
3	Milk	40 ml

2. Morning Diet: Suji Upama (03 days in a week)

Sl. No.	Item	Quantity
1	Suji	100 gm
2	Vegetable	25 gm
3	P. oil	05 gm
4	Onion	05 gm
5	Salt	01 gm

3. Morning Diet: Chuda Santula (04 days in a week)

Sl. No.	Item	Quantity
1	Chuda	100 gm
2	P. oil	05 gm
3	Onion	10 gm
4	Futana	01 gm
5	Turmeric	01 gm
6	Salt	01 gm

4. Ghuguni:

Sl. No.	Item	Quantity
1	Dry peas	50 gm
2	P. oil	02 gm
3	Condiment	03 gm
4	Salt	01 gm
5	Ginger	05 gm
6	Onion	02 gm

5. General Diet (Mid-day & Evening):

Sl. No.	Item	Quantity
1	Rice/Atta	600 gm
2	Dal	100 gm
3	Salt	25 gm



4	P. oil	20 gm
5	Onion	05 gm
6	Tamarind	05 gm
7	Condiment	05 gm
8	Ginger	02 gm
9	Vegetables	350 gm
10	Leafy vegetable	30 gm

6. Protein Diet: Chicken (Sunday & Wednesday)

Sl. No.	Item	Quantity
1	Chicken	150 gm
2	Mustard oil	10 gm
3	Onion	10 gm
4	Condiment	04 gm
5	Ginger	02 gm
6	Salt	01 gm

7. Egg Diet: (Last Sunday of every month)

Sl. No.	Item	Quantity
1	Egg	02 nos.
2	Mustard oil	10 gm
3	Condiment	05 gm

8. Paneer Diet: (Thursday)

Sl. No.	Item	Quantity
1	Paneer	50 gm
2	Refine oil	10 gm
3	Condiment	05 gm
4	Ginger	05 gm
5	Salt	02 gm

9. Night Food: Biscuits 100 gm

A sample scale of Diet for a prisoner per day, as per the BPR&D Scale.

Sl. No.	Item	Quantity
1	Cereals (including millet)	600 gm
2	Pulses	100 gm
3	Vegetables	250 gm
4	Fish or Meat	100 gm
	Milk	500 ml
	Ghee	15 gm
	Groundnut	100 gm
		} twice a week
5	Milk	50 ml
	curd	100 ml
6	Grams (Roasted)	60 gm
7	Jiggery	20 gm
8	Oil	30 gm
9	Salt	30 gm
10	Tamarind	15 gm
11	Jeera or Tejpata	05 gm
12	Turmeric	02 gm
13	Coriander	05 gm
14	Chilies	05 gm
15	Onion	25 gm
16	Sugar	50 gm
17	Pepper	03 gm
18	Mustard	02 gm
19	Garlic	02 gm

As per the ICMR Scale: Sample Menu (Vegetarian)

Meal time	Raw Foods used in the recipes	Raw amounts to be used in the recipe (grams/ml)
Breakfast	Parboiled Rice	100
	Pulses (Black gram dal)	25
	Groundnuts	25
	Roasted Bengal gram	25
	Green chillies	10
	Milk	50
	Sugar	10
Lunch	Rice (75g) & Wheat Flour (75g)	150
	Spinach(Palak)	25
	Red Gram Dal	25
	Beans	50
	Onions	25
	Green chillies	10
	Curds	75
Tea	Carrots	50
	Sugar	20
	Milk	50
	Sugar	10
Dinner	Rice (75g) & Wheat Flour (75g)	150
	Redgram Dal	20
	Drumsticks	20
	Tomato	20
	Bottle gourd	20
	Potato (Alu)	50
	Melhi	25
	Green chillies	5
	Curds	75
Fruit	150	



As per the ICMR Scale: Sample Menu (Non-Vegetarian):

Meal time	Foods	Raw amounts to be used in the recipe (ml/g)
Breakfast	Whole Wheat flour (Atta)	125
	Egg	25
	Tomatos	25
	Onions	25
	Green chillies	5
	Milk	100
	Sugar	10
Lunch	Rice (75g) & Wheat Flour (75g)	150
	Bottle gourd	75
	Onions	25
	Methi	25
	Beans	50
	Tomato	25
	Green chillies	5
	Gingelly seeds	10
	Curd	75
Tea	Ground nuts	35
	Sugar	20
	Milk	50
	Sugar	7.5
Dinner	Rice (75g) & Wheat Flour (75g)	150
	Meat	30
	Onions	50
	Tomatos	25
	Potatos	50
	Spinach (Palak)	25
	Green chillies	5
	Curds	75
Fruit	100	

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Annexure - 6

Government of Odisha
Home Department

NOTIFICATION

Bhubaneswar, Dated, 10/11/2012

No. 42455 /In exercise of the powers conferred by clause (b)
HOME-JAIL-RULE-0002-2012

and clause (28) of section-59 of the Prisons Act, 1894 (09 of 1894) as amended by Orissa Act 29 of 1958 in its application to the State of Odisha, the Governor of Odisha is pleased to make the following rules further to amend the Prisoners (Release on Furlough) Odisha, Rules, 1963, namely :-

1.(1) These rules may be called the Prisoners (Release on Furlough) Odisha, Amendment Rules, 2012.

(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Prisoners (Release on Furlough) Odisha, Rules, 1963, for rule-3, the following rule shall be substituted, namely:-

"3(i) Grant of Furlough to Prisoner - A prisoner who is sentenced to imprisonment for a period exceeding one year but not exceeding five years, shall on completion of a period of one year of actual imprisonment from the date of admission into prison or six months from the date of his last return from furlough as the case may be, be eligible for release on furlough for a period of three weeks in a year. The first spell would consist of one week, while the subsequent spell would consist of two weeks.

(ii) A prisoner who is sentenced to imprisonment for a period exceeding five years shall, on completion of a period of two years of actual imprisonment



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from the date of admission into prison or six months from the date of his return from furlough as the case may be, be eligible for release on furlough for a period of five weeks in a year. The first spell would consist of two weeks, while the subsequent spell would consist of three weeks.

Note: In case of prisoners sentenced to both imprisonment and fine the total length of sentence including the period for default of fine shall be taken into account for the purpose of calculating the date of eligibility of their release on furlough.

(iii) The period for which a prisoner is to be released on furlough shall not exceed three weeks at a time;

Provided that a prisoner who desires to spend his furlough at a place outside the State may be granted furlough for a period of four weeks at a time, subject to the total period of furlough as available to him.

(IV). The eligibility criteria for availing furlough shall be as follows-

(a) the prisoner is not a habitual offender;

(b) the prisoner is not convicted of any offence of robbery, dacoity under any of the sections from 392 to 402 of the Indian Penal Code and offence against the State such as sedition whose presence is not considered dangerous or prejudicial to public peace and tranquility; and

(c) the release of the prisoner is not considered dangerous or deleterious to the interest of national security or there exists reasonable ground to believe that the convict is involved in a pending investigation of a case involving serious crime.

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- (v) The grant of furlough shall be rejected on the following grounds, namely:
- (a) The prisoners involved in serious violence like assault, outbreak, riot, mutiny or escape and agitating fellow prisoners for indiscipline activities.
 - (b) Prisoners convicted for offences like murder, rape, robbery, dacoity, extortion, terrorism, kidnapping, smuggling including narcotic drug peddler or People of Foreign origin.
 - (c) Prisoners remaining for failure to give security for maintaining peace and good behaviour .
 - (d) Prisoners having mental illness, if not certified by the Medical Office to have recovered at least to the extent that his presence in the Society is not likely to be dangerous.
 - (e) Prisoners whose work and conduct were not good during last one year
 - (f) Prisoners convicted of an offence against any law relating to matters to which the executive power of the Union Government extends, unless approved by the Union Government.
 - (g) Prisoners whose release on furlough is likely to have repercussions elsewhere in the country."

By order of the Governor



Principal Secretary to Government



Government of Orissa
Home Department.

NOTIFICATION

Dated, Bhubaneswar, the 21.3.83

No. 2833/Jls. In exercise of the powers conferred by Sub-section (3) of section 432, of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and in supersession of the rules issued by Government vide Home Department notification No. 2833/Jls., dated 16.3.83, the State Government do hereby make the following General rules, namely:-

RULES

- (1) These rules may be called the Orissa Release of Prisoners on Parole Rules, 1983.
- (2) They shall come into force on the date of their publication in official gazette.

2. Where a petition for suspension of the sentences of imprisonment is made by or on behalf of a person sentenced to imprisonment for an offence against any law relating to matter in which the executive power of the State Government extends and the person sentenced to such imprisonment is in Jail, the execution of the sentence may be suspended and such person may be released on parole subject to the conditions specified in rule 2, for such period not exceeding 30 days in a year if the State Government are satisfied that the immediate release of such person on parole is necessary by reason of any serious illness or death of any member of the prisoner's family or his close relatives or for attending a marriage in his family or for construction, reconstruction or repair of the dwelling house of the prisoner's family if there is none in the prisoner's family attached to it or for any other sufficient cause. The order of release shall be in form I of Schedule A appended to these rules.

Provided that where the District Magistrate is satisfied that it is urgently necessary to release a prisoner on parole for reasons of serious illness or death of any member of the prisoner's family or his close relatives or for enabling him to attend a marriage ceremony in his family or for construction, reconstruction or repair of the dwelling house of the prisoner's

Release
file to Mr. K. S. ...
including ...
27/4/83

Handwritten notes
28/4/83

Handwritten notes
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family if there is none in the prisoner's family to attend to it and the District Magistrate is further satisfied that any delay in release of the prisoner would cause serious hardship to him, the District Magistrate may, by order of release in Form III of Schedule A appended to these rules, authorize release of a prisoner on parole in anticipation of the approval of the State Government for a period of thirty days, subject to the conditions specified in Rule-2. The District Magistrate shall forthwith submit his proposal with all the relevant records such as the bond executed by the prisoner in Form II of Schedule A, the prisoner's application for release on parole in Form I of Schedule-B and recommendations of Supdt. of Jails concerned in Form II of Schedule-B and his order in Form III of Schedule A together with the Report of the concerned S.P., for approval of the action taken by him. On receipt of the application for parole together with other documents specified herein Government may make an order approving or disapproving the order made by the District Magistrate releasing the prisoner on parole with or without any modification in the conditions imposed by the District Magistrate. Where the Govt. do not approve the proposal of the District Magistrate, the prisoner shall be directed by the District Magistrate to surrender himself to the Superintendent of Jail concerned, failing which steps shall be taken by him for his apprehension.

3. A prisoner before being released on parole under rule - 2 shall enter into a bond in Form II in schedule A to these rules undertaking to reside during the period of his parole at a place specified therein and not to depart there from without the permission of the District Magistrate of the district where he resides during parole or of such other officer as that District Magistrate may appoint in that behalf and to return to the Jail in which he was confined on expiry of the period of his parole and to conform to such other conditions as may be specified in the order of release by the State Government or as the case may be by the District Magistrate when he authorizes release on parole in exercise of powers under provision to rule 2.

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4. The following categories of prisoners will be eligible for release on parole, namely :-
- (a) A prisoner, who is sentenced to more than one year but less than five years and has actually undergone one year's imprisonment;
 - (b) A prisoner, who is sentenced to more than five years and has actually undergone two years of imprisonment.
5. The following categories of prisoners shall not ordinarily be eligible for release on parole namely :-
- (a) Those convicted of offences under Chapter VI, 121 1950 (Offence against the State) of the Indian Penal Code.
 - (b) Dangerous habitual criminals.
 - (c) Such convicts whose presence is considered to be dangerous or prejudicial to public peace and tranquility.
6. The following categories of persons are eligible for becoming sureties of a prisoner for purpose of their release on parole.
- (a) Parents or relatives of the prisoner, whom the District Magistrate concerned considers to be proper persons for the purpose.
 - (b) An official of a prison in exceptional cases provided that he has received the prior sanction of Inspector General of Prisons to be such surety.
7. (i) Application for release on parole shall be in Form I of schedule B and recommendation of the Supdt. of Jail and the District Magistrate of the district, where the prisoner is lodged shall be in forms II and III respectively of the said schedule.
- (ii) On receipt of the application form or on behalf of prisoner, the Supdt. of the prison concerned shall forward the same to the District Magistrate with necessary information in the prescribed form to the District Magistrate where the prisoner is lodged and will also forward the amount of money the prisoner has in his credit which he has earned during his imprisonment.
- (iii) The cost of the journey of prisoners who are released on parole shall be borne by themselves. If in the opinion of the District Magistrate the prisoner is not able to bear the expense of his journey to the place of his return journey therefrom, or the journey both ways, the expenses shall be borne by the State Government.
- (iv) The District Magistrate shall forward the petition to the State Government with his recommendations.
- (v) The period of parole shall be as decided from time to time.

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9. As soon as the prisoner released on parole surrenders to a prison authority, his order of release and the bond executed by him will become inoperative. But where a prisoner, who is released on parole has applied for the extension of the period of parole and before his application has been sanctioned surrenders himself to the prison authority, his earlier order of release and the bond shall not be inoperative after such surrender-until a fresh release order is obtained from the State Government.

10. Release and surrender reports shall be immediately submitted by the Superintendent to the State Government and copies thereof sent to the District Magistrate concerned, the District Superintendent of Police and the Inspector General of Prisons.

.....